# INDEX-DIGEST

# TO THE EDITORIALS, NOTES OF RECENT DECISIONS, LEAD-ING ARTICLES, ANNOTATED CASES, LEGAL NEWS AND CORRESPONDENCE IN VOLUME 54.

A separate subject-index for the "Digest of Current Opinions" will be found on page 510, following this Index-Digest.

of what abbreviations of time and place the courts will take judicial notice, 5.

# ACCIDENT INSURANCE.

intentional homicide as an accident under the provisions of an accident policy, 142.

# ACKNOWLEDGMENT,

right of officer to amend his certificate of acknowledgment, 84.

# ADULTERATION,

as to the right of a state to exclude adulterated articles of another state. See COMMERCE. liability for selling cow's milk not up to standard,

but which has not been adulterated, 42.

# AGRICULTURE,

warranty on sales of seeds, bulbs and trees, as to variety and vitality, 465.

# ALIENS.

are natives of Japan eligible to citizenship, under the naturalizations law, 12.

# ALIMONY. See DIVORCE.

ALTERATION OF INSTRUMENTS,

alteration of contracts, 72.

# ANARCHY.

statutes against anarchy, 493,

# ARBITRATION.

the case of the pins fund of the Californias before permanent court of arbitration under the Hague convention of 1899.

contract of compromise and arbitration of claims by and against municipal and other public corporations, 425.

# operation of New Zealand arbitration act, 432.

### ARMY AND NAVY.

right of parents to secure release of minor son on habeas corpus pending court-martial proceedings for his desertion, 183.

# ASSAULT AND BATTERY.

criminal and civil liability for assault in kissing and embracing a female without her consent, 141.

## ASSOCIATIONS.

validity of provisions in the constitution or by-laws of voluntary associations restricting the right of its members to invoke the action of the courts in deciding controversies between themselves or with the order, 171.

# ASSUMPTION OF RISK. See MASTER AND SERVANT.

# ATTACHMENT.

certificates of stock and the relative rights of an attachment creditor and a prior unrecorded transferee thereof, 243.

rights of attaching creditor as against the claims of a prior unrecorded transferee of corporate stock, 246

# ATTORNEY AND CLIENT,

advice in matters of practice for the benefit of young barristers, 225.

whether a state statute allowing attorneys' fees against corporations for vexatious resistance of claim is constitutional, 282.

#### BAKERIES

right of the legislature to limit the hours of labor in bakeries, 92.

# BANKRUPTCY,

failure to list in schedule of debts a sum of money advanced to a minor child, 123.

accommodation makers of notes as creditors under the bankrupt act, 188.

whether an indorser on a note is a "creditor" within he meaning of the bankrupt act as to preferences, 191

voluntary proceedings on petition by one partner of a firm, 267.

effect of a voluntary or involuntary adjudication in bankruptcy of a partnership or of the individual members thereof, 269.

extraterritorial effect of the pendency of bankruptcy proceedings on suits instituted in other jurisdictions.

powers of bankrupt court in matters of contempt,

amendment of the bankrupt act, 309.

whether the buying and selling of stocks and bonds is a "trade pursuit," within the meaning of the bankrupt act, 342.

constitutionality of the bankrupt act of 1898, 464.

# BAR ASSOCIATIONS.

program of the 1902 meeting of the American Bar Association, 153,

# BENEFIT SOCIETIES.

validity of provisions in the constitution or by-laws of voluntary associations restricting the right of its members to invoke the action of the courts in deciding controversies between themselves or with the order, 171.

### BILLS AND NOTES.

accomedation makers of notes as creditors under the ankrupt act, 188.

whether an indorser or a note is a "creditor" within the meaning of the bankrupt act as to preferences,

validity of a note executed on Sunday, 290.

validity of a note of which the consideration is partly illegal, 386.

BLASTING. See

# BOARD OF TRADE,

arbitration of disputes as a condition of membership in a commercial exchange, 168.

validity of provisions in the constitution or by-laws of voluntary associations restricting the right of its members to invoke the action of the courts in deciding controversies between themselves or with the order, 171.

# BOOKS RECEIVED, 34, 53, 73, 133, 453.

#### BOYCOTTS.

boycotts, picketing and unions, as violating the law against monopolies, 146.

# injunctions against strikes or boycotts, 163.

BREACH OF MARRIAGE PROMISE, disease as an excuse for consummating marriage con-

disease as an excuse for consummating marriage contract, 409.

what defenses exist to an action for breach of promise to marry, 410.

character of plaintiff as a defense to a breach of promise suit, 410. physical disability of either party as a defense to a

physical disability of either party as a defense to a breach of promise suit, 411.

# CARRIERS,

liability of railroad for unsafe condition of a union depot which is not the property of the company, 223. liability of carrier of explosive substances, 350.

#### CAVEAT EMPTOR,

rule of caveat emptor as applicable to the sale of seeds and bulbs, especially as regards their vitality and variety, 466.

#### CHARACTER,

as to evidence of character in criminal cases. See CRIMINAL EVIDENCE.

#### CHATTEL MORTGAGES,

description of property in chattel mortgage, 109.

what constitutes a sufficient description of eattle or live stock in a chattel mortgage so as to bind third parties, 111.

# CHRISTIANITY,

christianity in the common law, 172.

# CITIZENSHIP,

are natives of Japan eligible to citizenship, under the naturalization laws, 12.

### CIVIL RIGHTS,

discrimination between children of African descent,

#### CIVIL SERVICE

what offices come within the operation of the civil service system and may be classified, 43.

# CLAY, HENRY,

how Henry Clay won a hopeless case, 232.

#### CLUBS. See ASSOCIATIONS.

# COLLATERAL INHERITANCE TAX,

situs of personal property for the purpose of collateral inheritance taxation, 82.

# COMMERCE,

the law as to imported liquors in original packages, 48. right of a state under the police power to exclude the importation of adulterated articles, 62.

constitutionality of lice ase tax upon employment agents and other trades, occupations or professions,

constitutional protection of "original packages," employed in interstate commerce, 342.

exclusive right of federal legislation over interstate commerce, 342.

what is meant by "original packages," 343.

size of receptacle as a test of its character as an original package, 343.

what breaking of an "original package" is sufficient to destroy its interstate character, 344.

"original packages" versus the police power of a state,

state control of intoxicating liquors in "original packages" under the Wilson act, 344.

#### COMMERCE-CONTINUED.

what goods may be said to have "arrived" under the provisions of the Wilson act, 345.

right of agents to solicit orders for the sale of liquors in original packages, 345.

effect of state dispensary laws upon the sale of liquors in original packages, 345. original packages as a cloak for fraud and imposition.

346. right of state to inspect goods shipped in original

packages, 346.
right of state to tax the sale of goods in original packages, 346.

theory of the original package decisions, 347.

# COMMON DISASTER,

the doctrine of vested interest as affecting the question of survivorship where the insured and beneficiary in a regular life insurance policy perish in a common disaster, 131, 193.

#### COMPROMISE.

contracts of compromise and arbitration of claims by and against municipal and other public corporaions, 425.

#### CONFLICT OF LAWS,

enforcement of contracts valid where made but contrary to the public policy of the state of the forum 3.

action for death by wrongful act, and the laws of other states or foreign countries, 224.

extraterritorial effect of the pendency of bankrnptcy proceedings on suits instituted in other jurisdictions, 301.

### CONSPIRACY. See Joint Offences.

whether one or two persons charged with conspiracy can be convicted and the other acquitted, 381.

effect of separate verdicts and separate trials of persons charged with conspiracy, riot or other joint offenses, 470.

the effect of the acquittal or discharge of a co-defend ant in an indictment of conspiracy, 470.

# CONSTITUTIONAL LAW,

as to laws held valid under the police power. See POLICE POWER.

status of an unconstitutional law, 25.

liability for selling cow's milk not up to standard, but which has not been adulterated, 42.
reasonableness of public school regulation prohibiting

the attendance of children of certain ages, 42

validity of laws prohibiting the employment of women in places where intoxicating liquors are sold, 11.

effect of permitting the wife of a saloon-keeper to sell liquors, upon ordinance prohibiting females in general, 10.

constitutionality of li juor laws, 47.

the law as to imported liquors in original packages, 48.

11th of the legislature to regulate the traffic in and use of opium 49.

113ht of a state under the police power to exclude the importation of adulterated articles, 62.

constitutionality of license tax upon employment agents and other trades, occupations or professions, 63.

discrimination between children of African descent, 103.

class legislation in prohibiting the particular occupation of barbering on Sunday, 149.

constitutionality of statutes prohibiting all or a particular kind of labor on Sunday, 151.

power of the legislator to fix the price of the labor of coal miners, 161.

power of the state to fix the minimum rate of wages to be paid workmen under contracts of private employment, 241, 270.

right of the state to appropriate funds to aid or control internal improvements, 251.

whether public ownership of public utilities on the part of a state is constitutional, 254. when constitutional provisions are self-executing, 262

#### CONSTITUTIONAL LAW-CONTIQUED.

- whether a state statute allowing attorneys' fees against corporations for vexatious resistance of claims, is constitutional, 282.
- constitutional protection of "original packages," employed in interstate commerce, 342.
- "original packages" versus the police power of a state, 344.
- state control of intoxicating liquors in "original packages," under the Wilson act, 344.
  right of state to inspect goods shipped in original
- packages, 34 6.
  right of state to tax the sale of goods in original
- packages, 346. validity of statute regulating the hours of employ-
- ment, 428.
  power of the legislature to remove the bar of the
- power of the legislature to remove the bar of the statute of limitations in criminal cases, 461.

#### CONTEMPT.

- whether master's discharge of servant because of his being compelled to serve as a juror, is contempt of court. 223.
- powers of bankrupt court in matters of contempt 322.

# CONTRACTS,

- enforcement of contracts valid where made but contrary to the public policy of the state of the forum, 33. mntuality in the enforcement of contracts for personal services, 64.
- alteration of contracts, 72.
- right to recover on a mortgage which has been transferred by the mortgagee to, or executed in favor of, a resident of another state, for the purpose of evading taxation, 121, 201, 261.
- effect of the anticipatory breach of an executory contract of sale upon the passing of the title and the right of the vendor to sue for the purchase price, 181.
- whether one who rents a seat from which to view a procession, impliedly warrants that the procession shall take place, 184.
- validity of contracts or business transactions entered into or performed on Sunday, 290.
- validity of a note executed on Sunday, 290.
- the indivisibility of the legal and illegal considerations of contracts, 399.
- liability of labor union for inducing members to violate their contracts with their employers, 473.
- how soon the right to disaffirm his contract must be exercised by an infant after attaining his majority, 492.

# CONVERSION,

right to recover stolen or wrongfully detained property from the hands of a bona fide purchaser, where the negligence of the owner permitted the property to be wrongfully converted, 182.

#### CONVICTS,

right of a person legally or illegally imprisoned and hired out as a convict, to recover compensation for his services, or damages for personal injuries received in the course of his employment, 441.

# CORNERS. See MONOPOLIES.

# CORPORATIONS,

- compensation of directors for extra services, 4.
- exemplary damages in actions against corporations, 105.
- certificates of stock and the relative rights of an attachment creditor and a prior unrecorded transferee thereof, 243.
- rights of attaching creditor as against the claims of a prior unrecorded transferee of corporate stock, 246
- whether a state statute allowing attorney's fees against corporations for vexations resistance of claims, is constitutional, 282.
- liability of directors to stockholders for the negligence or embezzlement of officers and employees, 283.
- right to dividends as between life tenant and remainderman, 444.
- dividends declared out of accretions to the capital go to the remainderman, 445.

#### CORPORATIONS-CONTINUED.

- distinction between undivided profits which have accumulated during the lifetime of the testator and those accumulating after his death, 445.
- ordinary cash dividends presumptively go to the life tenant. 445.
- what dividends pass to a specific legatee of shares,
- profits turned into capital and afterwards divided, 448. premium accruing from the sale of new shares, 448. profits arising from options to take new shares, 448.

#### COURTS

- power of court to set aside successive verdicts in favor of the same party, on the ground that they are contrary to the weight of the evidence, 81, 183.
- decisions of the court of appeals of the District of Columbia, 301.
- extraterritorial effect of the pendency of bankruptcy proceedings on suits instituted in other jurisdictions, 301.

#### CREDIT. See MERCANTILE AGENCY.

#### CRIMINAL EVIDENCE,

- previous general character and conduct of defendant as an element in proving crime, 24.
- whether dying declarations are admissible in evidence when some statements therein would not be admissible, 361.
- comparison of handwriting as proof in criminal cases, 383.

# CRIMINAL LAW. See JOINT OFFENSES.

- failure to take out a license as a misdemeanor, where no demand is made by the sheriff, 23.
- criminal and civil liability for assault in kissing and embracing a female without her consent, 141.
- the doctrine of reasonable doubt explained and applied, 263, 391.
- criminal responsibility and punishment for suicide, 361.
- flight in criminal and civil suits, 403.
- power of the legislature to remove the bar of the statute of limitations in criminal cases, 461.
- refusal of the court to instruct the jury on failure of defendant to testify, 142.

#### CYCLIST

contributory negligence of cyclist in riding with body lowered over the handle bar, 162.

#### DAMAGES

- recovery of damages for mental suffering for failure to transmit money promptly, 23,
- admissibility of life or mortality tables in evidence in cases of death or permanent injury, for the purpose of estimating the amount of damages, 101.
- exemplary damages in actions against corporations,
- effect of the anticipatory breach of an executory contract of sale upon the passing of the title and the
- right of the vendor to sue for the purchase price, 181. to what extent and in what cases damages may be re-
- covered for mental sufforing, 202, 292. damages for refusal of insurer to make loan as agreed in the policy, 222.
- damages for noise, 291.
- mental suffering as an element of damage in an action for delay in the shipment of a corpse, 302.

# DANGEROUS PREMISES,

liability of railroad for unsafe condition of a union depot which is not the property of the company, 223,

# DEAD BODIES,

mental suffering as an element of damage in an action for delay in the shipment of a corpse, 302.

#### DEATH

admissibility of life or mortality tables in evidence in cases of death or permanent injury, for the purpose of estimating the amount of damages, 101.

# DEATH BY WRONGFUL ACT,

actions for death by wrongful act and the laws of other states or foreign countries, 224.

#### DECLARATIONS. See EVIDENCE.

#### DEEDS.

proper description of land in deeds and documents,

affirmance of infant's deed by silence, 491.

how soon the right to disaffirm his contract must be exercised by an infant after attaining his majority, 492.

# DEPOT,

liability of railroad for unsafe condition of a union depot which is not the property of the company, 223.

# ESCENT AND DISTRIBUTION,

liability of purchaser from an heir pending administration. for the debts of such heir, 83.

# DESCRIPTION. See DEEDS.

#### DIGEST OF CURRENT OPINIONS.

13, 35, 53, 74, 93, 113, 133, 154, 173, 194, 214, 233, 254, 274, 293 310, 331, 351, 377, 392, 413, 434, 454, 474, 494.

#### DIRECTORS, See Corporations.

#### DIVORCE

when should alimony pendente lite be allowed, 393. DYING DECLARATIONS, See CRIMINAL EVIDENCE.

#### EASEMENTS.

acquisition of easements of support where grantor does not expressly reserve them, 423.

#### EDUCATION.

exemption of musical conservatory from opera house tax, 3.

#### ELECTRICITY.

underground conduits for electrical or other purposes, as constituting additional servitudes upon a street or highway, 421.

#### EMINENT DOMAIN.

the relations between telegraph or telephone companies, and railroads, 6.

#### EQUITY.

right to enjoin a criminal prosecution under a statute or ordinance alleged to be void, 67.

when a recovery may be had in equity of property, sold after rescission for fraud instead of in a common-law proceeding by replevin, 242.

#### EVIDENCE.

as to dying declarations, See CRIMINAL EVIDENCE.
of what abbreviations of time and place the courts
will take judicial notice, 5.

previous general character and conduct of defendant, as an element in proving crime, 24.

original enteries in books of account as evidence, 41. admissibility of life or mortality tables in evidence in cases of death or permanent injury, for the purpose of estimating the amount of damages, 101.

what is necessary to render a declaration admissible in evidence, 242.

comparison of handwriting as proof in criminal cases,

admissibility of X-Ray photographs in evidence, 401,

what is sufficient to raise a presumption that a woman is past child-bearing, 43%.

#### EXEMPTIONS,

as to exemption from taxation. See TAXATION.

# EXPLOSIVES,

nuisance in delaying delivery of explosives, 348. liability for injuries resulting from the possession,

use and shipment of explosives, 349.
llability attending the mere possession of explosives,

350. Hability of shipper or consignor of explosive substances, 350.

liability of carrier of explosive substances, 350.

liability for the illegal or negligent sale of explosives,

liability for injuries resulting from the discharge of fire works, 351.

liability for injuries from blasting, 351.

#### EXTRADITION,

refusing requisition of fugitive because of the fear that he m 17 rche341, 433.

#### FALSE IMPRISONMENT.

what constitutes imprisonment, 232.

#### FEDERAL COURTS.

decisions of the court of appeals of the District of Co lumbia, 301.

#### FIRE INSURANCE,

forfeiture of policy for increase of hazard, 375.

failure to act upon knowledge of a breach of the conditions of the policy, as affecting the insurer's right to forfeit the policy, 376.

#### FIRE WORKS. See EXPLOSIVES.

#### FLIGHT.

flight in criminal and civil suits, 403.

#### FOOD

liability for selling cow's milk not up to standard, but which has been not been adulterated, 42.

# FORGERY,

former conviction on mortgage as bar to prosecution on note executed at the same time, 328.

#### FORMER JEOPARDY.

what is meant by identity of offenses under plea of former jeopardy, 329.

#### FORTUNE TELLING.

fortune telling and palmistry as actionable and indictable fraud 382.

# FRAUD AND DECEIT,

fortune telling and palmistry as actionable and indictable fraud, 382.

false representation to merchantile agency, as indictable fraud, 482.

# GAMBLING CONTRACTS. See GAMING.

#### GAMING.

enforcement of contracts valid where made but contrary to the public policy of the state of the forum, 33.

life insurance as a means of betting upon the life of a king or president, 113.

### GAS AND GAS COMPANIES,

effect of the refusal of a gas company to furnish gas to private citizens, 3.

# HABEAS CORPUS,

application of the doctrine of res adjudicata to habeas corpus proceedings, 1.

right of parents to secure release of minor son on habeas corpus pending court-martial proceedings for his desertion, 183.

# HANDWRITING

comparison of handwriting as proof in criminal cases 383.

#### HEALTH.

is consumption a contagious disease, 182.

#### HEIRS

liability of purchaser from an heir pending administration, for the debts of such heir, 83.

#### HIGHWAYS,

liability of a city for permitting the construction of a basement under the sidewalk, 29.

contributory negligence of pedestrian in walking on the sidewalk at night, §3.

liability of municipality for injury caused by a slight depression in the sidewalk, 202.

underground conduits for electrical or other purposes, as constituting additional servitudes upon a street or highway, 421.

# HOLMES, OLIVER WENDELL,

appointment of Justice Oliver Wendell Holmes to the United States Supreme Court, 221.

# HOMESTEAD,

scope of the term homestead, 184.

popular and legal sense of the term homestead, 185. claims exempted as determining what constitutes a honestead, 186.

#### HOMICIDE.

liability of parent at common law on charge of manslaughter, for negligently omitting to furnish medical attendance to child, because of religious disbelief in the efficacy of medicine, 44.

#### HUMORS OF THE LAW,

13, 34, 53, 73, 93, 113, 133, 154, 172, 194, 214, 233, 254, 273, 292, 309, 351, 377, 892, 413, 434, 454, 474, 494.

#### HUSBAND AND WIFE,

the right of a married woman to convey real estate without her husband's consent, under a statute giving her the right of contract, 61.

## ILLEGALITY. See CONTRACTS.

# INDICTMENT,

necessity for alleging corporate existence in an indictment or information, 89.

as to liability of parents in the care and treatment of their children. See PARENT AND CHILD. affirmance of infant's deed by silence, 491.

how soon the right to disaffirm his contract must be exercised by an infant after attaining his majority, 492.

#### INJUNCTIONS,

right to enjoin criminal prosecutions, 70.

right to enjoin a city from enforcing a criminal ordinance, 70.

right of a court to restrain criminal proceedings where they are instituted by a party to a suit already pending before it, and to try the same right that is in issue there, 71.

right to enjoin a criminal proceeding where property rights are affected, 71.

right to enjoin prosecution under laws alleged to be invalid or inapplicable, 71.

injunctions against strikes or boycotts, 163.

injunction restraining water company from shutting off water, 482.

#### INSANE PERSONS,

right of a person alleged to be insane, to notice, before adjudication of insanity, 5, 93.

right of state to inspect goods shipped in original packages, 346.

#### INSURANCE. See ACCIDENT INSURANCE.

INSURANCE, See LIFE INSURANCE.

#### INTERNAL IMPROVEMENTS.

right of the state to appropriate funds to aid or control internal improvements, 251.

# INTERNATIONAL LAW,

the case of the pins fund of the Californias before the permanent court of arbitration under the Hague convention of 1899.

#### INTOXICATING LIQUORS.

as to the law affecting "original packages." See Com-MERCE.

validity of ordinance providing that women shall not be employed in connection with the sale of intoxicating liquors, 10.

effect of permitting the wife of a saloon-keeper to sell liquors, upon an ordinance prohibiting females in general, 10.

intoxicating liquors under the police power, 46.

constitutionality of liquor laws, 47.

the law as to imported liquors in original packages, 48. whether intoxicating liquors can be destroyed under the police power, 49.

constitutional protection of "original packages," employed in interstate commerce, 342.

what is meant by "original packages," 343.

size of receptacle as a test of its character as an original package, 343.

original packages" versus the police power of a state,

state control of intoxicating liquors in "original packages," under the Wilson act, 344.

when goods may be said to have "arrived" under the provisions of the Wilson, act, 345.

right of agents to solicit orders for the sale of liquors in original packages, 345.

#### INTOXICATING LIQUORS-CONTINUED.

effect of state dispensary laws upon the sale of liquors in original packages, 345.

#### JAPAN.

are natives of Japan eligible to citizenship, under the naturalization laws, 12,

#### JOINT OFFENSES.

whether one of two persons charged with conspiracy can be convicted and the other acquitted, 381.

effect of separate verdicts and separate trials of persons charged with conspiracy, riot or other joint offenses, 470,

separate trials of joint offenders, 470.

the effect of the acquittal or discharge of co-defendant's, 470.

#### JUDGES.

prejudicial remarks of trial judge before jury is impaneled, 103,

appointment of Justice Oliver Wendell Holmes to the United States Supreme Court, 221.

#### JUDGMENTS.

application of the doctrine of res adjudicata to habeas corpus proceedings, 1.

extraterritorial effect of the pendency of bankrup tcy proceedings on suits instituted in other jurisdictions, 301.

the correct doctrine of stare decisis, 362.

#### JUDICIAL NOTICE,

of what abbreviations of time and place the courts will take judicial notice, 5.

#### JURIES.

whether master's discharge of servant because of his being compelled to serve as a juror, is contempt of court, 223.

#### JUSTICE OF THE PEACE,

effect of the negligence of a justice of the peace upon the rights of parties litigant who have done all that that is required of them but the justice fails to do his duty, 221.

construction of phrase "next of kin" in a will or statute, as including the husband or wife, where used either simpliciter or in reference to the statute of distributions, 51.

# KISSING,

criminal and civil liability for assault in kissing a female against her consent, 141.

LABOR UNIONS. See TRADES UNIONS.

what is meant by next of kin, 50.

#### LANDLORD AND TENANT,

wnether one who rents a seat from which to view a procession, impliedly warrants that the procession shall take place, 184.

whether the produce of living beings or substances is the subject of larceny, 82.

necessity for alleging corporate existence in an indictment for larceny, 90.

right to recover stolen or wrongfully detained property, from the hands of a bona fide purchaser, where the negligence of the owner permitted the property to be wrongfully converted, 182.

#### LAW AND LAWYERS,

Judge Rose on the antiquity of law, 12.

program of the 1902 meeting of the American Bar Association, 153.

christianity in the common law, 172.

legal conditions in the Philippines, 192.

advice in matters of practice for the benefit of young barristers, 225.

how Henry Clay won a hopeless case, 232.

# LAW BOOKS,

Reviews of Reports,

Probate Reports, Annotated, Vol. 6, 52.

Reviews of Text Books,

The Barrister, 13.

#### LAW BOOKS .- CONTINUED.

Magnus' Misual Economics, 34.

Law of Civil Government under Military Occupation, 34.

Nellis on Street Surface Railroads, 52.

Dresser on Employers' Liability, 73.

Newell on Real Property, 93.

Smith's Studies in Juridicial Law, 93.

Smith on Necroscopy, 153.

Cyclopedia of Law and Procedure, Vol. 4, 292.

Milburn's Curious Cases, 309.

Abbott's Criminal Trial Brief, 391.

Oklahoma Form Book, 413.

Howard's History of the Louisiana Purchase, 433.

Boyce's Health Officers' Manual, 473, Gilbert on Domestic Relations, 473.

Noyes' Intercorporate Relations, 474.

Black on Judgments, 493.

Legislation Bulletins of the New York State Library, 494.

#### LEGACIES AND LEGATEES. See WILLS.

#### LIBEL AND SLANDER,

evasion of libel laws by sending libelous matter in installments, 52.

what constitutes imprisonment, 232.

failure to take out a license as a misdemeanor where no demand is made by the sheriff, 23.

constitutionality of license tax upon employment agents and other trades, occupations or professions,

#### LIFE ESTATES.

right to dividends as between life tenant and remainderman.

#### LIFE INSURANCE.

life insurance as a means of betting upon the life of a king or president, 113.

presumption of survivorship as affecting vested interest of beneficiary, 127, 193.

damages for refusal of insurer to make loan as agreed in the policy, 222.

#### LIMITATIONS.

power of the legislature to remove the bar of the statute of limitations in criminal cases, 461.

### MARRIED WOMEN'S ACTS.

the right of a married woman to convey real estate without her husband's consent, under a statute giving her the right of contract, 61.

### MASTER AND SERVANT.

whether a servant who works during the dinner hour is a volunteer and therefore not entitled to damages for injuries received, 62.

mutuality in the enforcement of contracts for personal services, 64.

whether master's discharge of servant because of his being compelled to serve as a juror, is contempt of

power of state to fix the minimum rate of wages to be paid workmen under contracts of private employment, 241, 270.

assumption of risk by minors, 424.

validity of statute regulating the hours of employ-

right of a person legally or illegally imprisoned and hired out as a convict, to recover compensation for his services, or damages for personal injuries received in the course of his employment, 441.

violation by master of statutory duty to guard machinery, as affected by knowledge of servant, 448-

application of the maxim "volenti non fit injuria" as a defense to an action against a master for injuries occasioned by his disregard of a statutory duty, 453.

liability of labor union for inducing members to violate their contracts with their employers, 473.

#### MAXIMS AND PHRASES.

application of the maxim "volenti non fit injuria" as a defense to an action against a master for injuries occasioned by his disregard of a statutory duty. 453.

#### MENTAL SUFFERING. See DAMAGES.

#### MERCANTILE AGENCY.

false representation to mercantile agency, as indictable fraud. 482.

#### MINES AND MINING.

as to liability for blasting. See EXPLOSIVES.

power of the legislature to fix the price of coal mined, 161.

rights of a locator of unknown lodes, within a placer claim, 210.

discovery and location of known or unknown lode claim upon prior placer locations or mining claims in general upon prior agricultural holdings, 213.

#### MONOPOLIES,

anti-monopoly legislation from the days of Elizabeth to the anti-trust act of 1890, 144.

monopolies legislated against in ancient times, 145, corner, combines and trust, as monopolies, 145.

railway pooling agreements as monopolies, 146. boycotts, picketing and unions, as violating the law

against monopolies, 146. monopolistic state legislation as against public policy 147.

monopolistic municipal legislation, 147.

construction of the anti-trust act of 1890, 148.

admissibility of life or mortality tables in evidence in cases of death or permanent injury, for the purpose of estimating the amount of damages, 101.

right to recover on a mortgage which has been transferred by the mortgagee to, or executed in favor of, a resident of another state, for the purpose of evading taxation, 121, 201, 261.

#### MUNICIPAL CORPORATIONS. See HIGHWAYS.

effect of the refusal of a gas company to furnish gas to private citizens, 3.

liability of a city for permitting the construction of a basement under the sidewalk, 29.

liability of municipalities for failure to inspect buildings or alterations in the same, under a law requiring that to be done, 29.

liability of municipalities for injuries resulting from excavations and obstructions on the sidewalk occasioned by the negligence of third parties, 32.

right to enjoin a city from enforcing a criminal or-

liability of municipality for injury caused by a slight depression in the sidewalk, 202.

liability of a municipality for the unhealthy or defective condition of a city prison, where such municipality is under no duty to erect a prison or fails to conform to the statutory requirement, 281.

contract of compromise and arbitration of claims by and against municipal and other public corporations, 425.

power of a municipality to compromise claims, 425 power of a municipality to arbitrate claims, 426.

liability of city for injury occasioned by railroad but due also to defective condition of street, 443.

liability of public officers for loss of public funds, 483.

#### NATURALIZATION. See ALIENS.

### NEGLIGENCE.

negligence as to the use of explosive substances. See EXPLOSIVES.

as to liability for injuries from the discharge of fireworks See EXPLOSIVES.

liability of parent at common law on charge of manslaughter, for negligently omitting to furnish medical attendance to child, because of religious dis. belief in the efficacy of medicine, 44.

#### NEGLIGENCE.-CONTINUED.

contributory negligence of pedestrian in walking on the sidewalk at night, 83.

contributory negligence of cyclist in riding with body lowered over the handle bar, 162.

liability of railroad for unsafe condition of a union depot which is not the property of the company, 223. the law as to prior and subsequent negligence, 284.

the "any degree" doctrine of contributory negligence, 284.

doctrine that contributory negligenec must amount to a want of ordinary care, 284. doctrine that want of ordinary care must have been

a proximate cause of the injury, 285.

trespassers upon railway tracks as an illustration of the doctrine that want of ordinary care must be the proximate cause of the injury, 286.

whether the defendant is liable for failure to discover the perilous position of plaintiff, or of the person killed or injured, or of the property of the plaintiff, 287.

whether defendant is under a duty to see and know the exposed position of plaintiff, or of the person killed or injured, or of the plaintiff's property, 288. prior negligence of defendant and subsequent negli-

gence of plaintiff, 289. liability for injuries resulting from the possession, use and shipment of explosives, 349.

subsequent precautions taken by defendant, as evidence in favor of plaintiff, 282.

liability of city for injury occasioned by railroad but due also to defective condition of street, 443.

#### NEW TRIAL.

power of court to set aside successive verdicts in favor of the same party, on the ground that they are contrary to the weight of the evidence, \$1, 133, prejudicial remarks of trial judge before is impan-

eled, 103. application of the rule of res ipsa loquitur, to street car accidents, 322.

the law as to new trials, 323.

# NOISE. See NUISANCES.

#### NOTARIES.

right of officer to amend his certificate of acknowledgment. 84.

#### NOTICE

right of a person alleged to be insane, to notice before adjudication of insanity, 5, 93.

# NUISANCES

precipitation of snow and ice from one building upon adjoining property, as a private nuisance, 104. damages for noise, 291.

nuisance in delaying delivery of explosives, 348.

# OFFICES AND OFFICERS,

liability of public officers, for loss of public funds, 483.

right of the legislature to regulate the traffic in and use of opium, 49.

### "ORIGINAL PACKAGES," See COMMERCE.

### PALMISTRY.

fortune telling and palmistry as actionable and indictable fraud, 382

#### PARADE

whether one who rents a seat from which to view a procession impliedly warrants that the procession shall take place, 184.

# PARENT AND CHILD. See INFANTS.

liability of parent at common law on charge of manslaughter for negligently omitting to furnish medical attendance to child, because of religious disbelief in the efficacy of medicine, 44.

# PARTNERSHIP,

effect of a voluntary or involuntarily adjudication in bankruptcy of a partnership or of the individual members thereof, 269.

#### PERJURY.

whether a false reply to a question which merely goes to the credit of the witness, is perjury, 463.

#### PERSONAL INJURIES,

admissibility of life or mortality tables in evidence in cases of death or permanent injury, for the purpose of estimating the amount of damages, 101.

liability of railroad for unsafe condition of a union depot which is not the property of the company, 223. right of a prisoner hired out as a convict to recover damages for personal injuries received in the course of his employment, 441.

#### PHILIPPINE ISLANDS,

legal conditions in the Philippines, 192.

### PHOTOGRAPHS,

admissibility of X-ray photographs in evidence, 401, 473.

#### PHYSICIANS AND SURGEONS.

liability of parent at common law on charge of manslaughter, for negligently omitting to furnish medical attendance to child, because of religious disbelief in the efficacy of medicine, 44.

liability of general practitioners and specialists for malpractice, 23.

for what degree of care and skill a physician or specialist may be held liable, 231.

#### PINS FUND,

the case of the pins fund o' the Californias before the permanent court of arbitration under the Hague convention of 1899.

#### POLICE POWER.

validity of laws prohibiting the employment of women in places where intoxicating liquors are sold, 11.

effect of permitting the wife of a saloon-keeper to sell liquors, upon an ordinance prohibiting females in general, 10.

reasonableness of public school regulation prohibiting the attendance of children of certain ages, 42. liability for selling cow's milk not up to standard, but

liability for selling cow's milk not up to standard, but which has not been adulterated, 42.

intoxicating liquors under the police power, 46.

constitutionality of liquor laws, 47.

the law as to imported liquors in original packages, 43 whether intoxicating liquors can be destroyed under the police power, 49.

right of the legislature to regulate the traffic in and use of opium, 49.

right of the legislature to limit the hours of labor in bakeries, 92.

power of the legislature to fix the price of the labor of coal miners, 161.

power of the legislature to fix the price of coal mined, 161.

power of the state to fix the minimum rate of wages to be paid workmen under contracts of private employment, 241, 270.

"original packages" versus the police power of a state, 344.

state control of intoxicating liquors in "original packages" under the Wilson act, 344.

right of the legislature under the police power to regulate the hours of private employment, 431.

#### POOLS. See MONOPOLIES.

#### PRESUMPTIONS.

what is sufficient to raise a presumption that a woman is past child-bearing, 432.

# PRINCIPAL AND SURETY,

estoppel of principal to plead usury against surety, 307 PRISONS.

liability of a sheriff and his sureties, for an assault or other injury inflicted upon a prisoner by a sheriff's deputy or some third person. 21, 33.

what constitutes imprisonment, 232.

liability of a municipality for the unhealthy or defective condition of a city prison, where such municipality is under no duty to erect a prison, or fails to conform to the statutory requirement, 281.

#### PRISON-CONTINUED.

right of a person legally or illegally imprisoned and hired out as a convict, to recover compensation for his services, or damages for personal injuries received in the course of his employment, 441.

#### PRIVACY.

the right of privacy and equity relief, 123, 193.

# PUBLIC FUNDS.

liability of public officers for loss of public funds, 483.

# PUBLIC OWNERSHIP.

right of the state to appropriate funds to aid or control internal improvements, 251,

#### PUBLIC POLICY

right to recover on a mortgage which has been transferred by the mortgagee to, or executed in favor of, a resident of another state, for the purpose of evading taxation, 121, 201, 261.

#### RAILROADS.

the relations between telegraph or telephone companies and railroads, 6.

trespassers upon railway tracks, as an illustration of the doctrine that want of ordinary care must be the proximate cause of the injury, 2%.

whether a railroad is liable for failure to discover the perilous position of plaintiff, 287

whether railroad is under a duty to see and know the exposed position of the plaintiff. 288.

nuisance in delaying delivery of explosives, 348

liability for negligence resulting in injury to mere licensee upon the track, 403.

liability of railroads for killing a person walking upon the track, 443.

liability of city for injury occasioned by railroad but due also to defective condition of street, 443.

#### "REASONABLE DOUBT,"

the doctrine of reasonable doubt explained and applied, 263, 391.

#### REGISTRATION. See TITLE REGISTRATION.

#### REMAINDERS,

right to dividends as between life tenant and remainderman, 444.

dividends declared out of accretions to the capital go to the remainderman, 445.

#### REPLEVIN

when a recovery may be had in equity of property sold after rescission for fraud instead of in a common-law proceeding by replevin, 242.

### REQUISITION. See EXTRADITION.

# RES ADJUDICATA,

application of the doctrine of res adjudicata to habeas corpus proceedings, 1.

# RIOT. See JOINT OFFENSES.

how many are necessary to constitute a riot, 469.

effect of separate verdicts and separate trials of persons charged with conspiracy, riot or other joint offenses, 470.

the effect of the acquittal or discharge of a co-defendant in an indictment of riot, 470.

#### SALES,

effect of the anticipatory breach of an executory contract of sale upon the passing of the title and the right of the vendor to sue for the purchase prices 181.

whether one who rents a seat from which to view a procession, impliedly warrants that the procession shall take place, 184.

when a recovery may be had in equity of property sold after rescission for fraud instead of in a common-law proceeding by replevin, 242.

common-law proceeding by replevin, 242.
warranty on sales of seeds, bulbs and trees, as to
variety and vitality, 465.

rule of caveat emptor as applicable to the sale of seeds and bulbs, especially as regards their vitality and variety, 466.

#### SCHOOLS AND SCHOOL DISTRICTS.

reasonableness of public school regulation prohibiting the attendance of children of certain ages, 42.

discrimination between children of African descent, 103.

validity of contract signed by majority of the board individually, but not authorized at any regular session, 162.

### SEDUCTION,

chasity or unchasity of female as affecting the question of her seduction, 323.

#### SEEDS

implied warranty that seeds are true to name and have vitality, 465.

#### SHERIFFS AND CONSTABLES,

liability of a sheriff and his sureties for an assault or other injury inflicted upon a prisoner by a sheriff's deputy or some third person, 21, 33.

#### SOCIETIES. See Associations.

#### STARE DECISIS.

the correct doctrine of stare decisis, 362.

#### STATE.

right of the state to appropriate funds to aid or control internal improvements, 251.

liability of public officers for loss of public funds, 483.

# STOLEN PROPERTY,

right to recover stolen or wrongfully detained property from the hands of a bona fide purchaser, where the negligence of the owner permitted the property to be wrongfully converted, 182.

#### STRIKES

injunctions against strikes or boycotts, 163.

# SUCCESSION TAX. See COLLATERAL INHERITANCE TAX.

criminal responsibility and punishment for suicide, 361.

#### SUNDAY,

class legislation in prohibiting the particular occupation of barbering on Sunday, 149.

constitutionality of statutes prohibiting all or a particular kind of labor on Sunday, 151.

validity of a note executed on Sunday, 290.

validity of contracts or business transactions entered into or performed on Sunday, 290.

# SURVIVORSHIP,

the doctrine of vested interest as affecting the question of survivorship where the insured and beneficiary in a regular life insurance policy perish in a common disaster, 131, 193.

# TAXATION,

exemption of musical conservatory from opera house tax, 3.

situs of personal property for the purpose of collateral inheritance taxation, 82.

right to recover on a mortgage which has been transferred by the mortgagee to, or executed in favor of, a resident of another state, for the purpose of evading taxation, 121, 201, 261.

what is a proper classification for the assessment of taxes, 282.

right of state to tax the sale of goods in original packages, 346.

liability of a legatee to a suit in personam for back taxes upon personal property received under a will, which his testator had failed to return for assessment while living, 481.

# TELEGRAPHS AND TELEPHONES,

the relations between telegraph or telephone companies and railroads, 6. recovery of damages for mental suffering for

to transmit money promptly, 23.

# TERRITORIES,

legal conditions in the Philippines, 192

#### TIME.

of what abbreviations of time the courts will take judicial notice, 5.

#### TITLE

as to Torrens System. See TITLE REGISTRATION.

#### TITLE REGISTRATION,

Torrens System of registering title to land, 301.

TORRENS SYSTEM. See TITLE REGISTRATION.

#### TRADES AND PROFESSIONS,

constitutionality of license tax upon employment agents and other trades, occupations or professions, 63.

### TRADES UNIONS,

boycotts, picketing and unions, as violating the law against monopolies, 146.

injunctions against strikes or boycotts, 163.

liability of labor union for inducing members to violate their contracts with their employers, 473.

#### TREES

implied warranty as to variety of trees, 467.

#### TRIAL AND PROCEDURE,

power of court to set aside successive verdicts in favor of the same party on the ground that they are contrary to the weight of the evidence, 81, 133.

prejudicial remarks of trial judge before jury is impaneled, 103.

refusal of the court to instruct the jury on failure of defendant to testify, 142.

advice in matters of practice for the benefit of young barristers, 225.

when to keep silent on cross-examination—a lesson in advocacy, 390.

#### TROVER.

discharge in bankruptcy as a defense to an action of trover, 102.

#### TRUSTS. See MONOPOLIES.

# UNDERGROUND CONDUITS,

liability of a city for permitting the construction of a basement under the sidewalk, 29.

underground conduits for electrical or other purposes, as constituting additional servitudes upon a street or highway, 421.

# UNION DEPOT. See DEPOT.

### UNITED STATES.

as to rules of civil service. See CIVIL SERVICE.

#### USURY

estoppel of principal to plead usury against surety, 307.

persons against whom usury may be pleaded, 308. schemes of money sharks to avoid the charge of usury,

#### VERDICTS

power of court to set aside successive verdicts in favor of the same party, on the ground that they are contrary to the weight of the evidence, 81, 133.

# VESTED INTERESTS.

the doctrine of vested interest as affecting the question o where the insured and benefi-

# VESTED INTERESTS .- CONTINUED.

ciary in a regular life insurance policy perish in a common disaster. 131, 193.

#### WARRANTY,

whether one who rents a seat from which to view a procession, impliedly warrants that the procession shall take place, 184.

implied warranty that seeds are true to name and have vitality, 465.

warranty on sales of seeds, bulbs and trees, as to variety and vitality, 465.

# WATER COMPANIES

injunction restraining water company from shutting off water, 482.

# WATERS AND WATER COURSES,

precipitation of snow and ice from one building upon adjoining property, as a private nuisance, 104.

#### WILLS.

what is meant by next of kin, 50.

construction of prhase "next of kin" in a will or statute, as including the husband or wife, where used either simpliciter or in reference to the statute of distributions, 51.

distinction between undivided profits which have accumulated during the life time of the testator and those accumulating after his death, 445.

what dividends pass to the specific legatee of shares

liability of a legatee to a suit in personam for back taxes upon personal property received under a will, which his testator had failed to return for assessment while living, 481.

# "WILSON ACT,"

as to state control of intoxicating liquors under the Wilson act. See Intoxicating Liquors.

#### WITNESSES.

refusal of the court to instruct the jury on failure of defendant to testify, 142.

modes of swearing a witness, 330.

when to keep silent on cross-examination — a lesson in advocacy, 390.

whether a false reply to a question, which merely goes to the credit of the witness, is perjury, 463.

#### WORDS AND PHRASES,

construction of phrase "next of kin" in a will or statute, as including the husband or wife, whether used either simpliciter or in reference to the statute of distribution, 51.

# WORK AND LABOR. See TRADES UNIONS.

right of the legislature to limit the hours of labor in bakeries, 92.

power of the legislature to fix the price of the labor of coal miners, 161.

power of the state to fix the minimum rate of wages to be paid workmen under contracts of private employment, 241, 270.

validity of statute regulating the hours of employment, 428.

# X-RAY,

admissibility of X-Ray photographs in evidence, 401 473.

# SUBJECT-INDEX

#### TO ALL THE "DIGESTS OF CURRENT OPINIONS" IN VOL.

This subject-index contains a reference under its appropriate head to every digest of current opinions which has appeared in the volume. The references, of course, are to the pages upon which the digest may be found. There are no cross-references, but each digest is indexed herein under that head, for which it would most naturally occur to a searcher to look. It will be understood that the page to which reference, by number, is made, may contain more than one case on the subject under examination, and therefore the entire page in each instance will necessarily have to be scanned in order to make effective and thorough search.

Abatement, mandamus, 392 Abatement and Revival action against surety on note, Abatement and Revival action against surety on note, 310; delay in delivering telegram, 352; ejectment, 113; foreclosure suit, 214; judgment against administrator, 44; pendency of suit in another court, 214, 255; punitive damages, 113; unlawful detainer, 94; want of jurisdiction, 114.
Abduction, corroboration of prosecuting witness, 293. Absentee, attachment, 352.
Abutting Property Owners, private injury, 154.
Accident, death from anæsthetics, 331.
Accident Insurance, change of occupation, 352; presumption, 494.

cident Insurance, enange sumption, 494. cord and Satisfaction, action for wages due, 74; liquidated demands, 474; release, 233, remunerative donation, 311. Accord

nquidated definands, 4/4; release, 205, remanerative donation, 311.

Account, action against county, 392; character of account, 13; contract with deputy, 392; equity, 194; judgment, 377; laches, 274

count, 18; contract with deputy, 392; equity, 194; judgment, 377; laches, 274
Account Stated, deposite pass book, 392; estoppel, 392. Acknowledgement, interest disqualifying officer, 311; power of attorney to take, 418.
Action, illegal contract, 94; misjoinder of causes, 154, 392; security for costs, 35.
Administration, accounting, 495.
Adverse Possession, by grantee, 114; color of title, 274; conveyance of realty, 495; dedicating of street, 74; effect of creating new county, 18; ejectment, 274, 293; findings, 293; homestead, 495; intend, 311; linetancy in common, 35; title to land, 331; vendor's lien, 495; void grant, 495.
Affidavits, probative, force, 233; tax certificate, 311.
Allens, action for death, 154; Chinese exclusion, 495; citizenship of children, 392; exclusion of immigrants, 53.
Alteration of Instruments, burden of proof, 18; "gold"

Alteration of Instruments, burden of proof, 18; "gold" inserted before dollars, 173; indorsement of pay-ment, 377; interlineation, 377. Amendments, jurisdiction, 352. Anarchy and Sedition, liability of editors for melting to

kill, 311
Animals, agister's lien, 377; assessment of damages, 238; election day closing saloons, 255; right to kill thieving dog, 496; trespass, 214, 413, 475.
Appeal, costs of new trial, 53; opinion by a divided court, 35.

court, 30.
Appeal and Error, accounting by executor, 495; action
for services, 381; actions tried by court, 35; affidavit
of interest, 183; alimony pendente lite, 194; amendment,
284, 381, 392; assignment of error, 94, 114, 274, 454; ball,

53; bill of exceptions, 184, 154, 214, 811, 352, 475; bill of particulars, 154; bond, 18, 94, 114, 434, 485; certified question, 53, 485; chancellor's judgment, 293; change of venue, 485; competency of witness, 454; condict between special findings, 413; construction of decree, 271; contributory negligence, 234; co-parties, 154; corrections, 331; court of claims, 74; damages, 114; decree taking costs, 55; deduction of damages, 311; default judgment, 114; demurrer to amended bill, 74; devolutive appeal, 134; directed verdict, 154; dismissal, 331, 475; disputative remarks by trial judge, 241; domicile, 352; effect as conterring judgment, 434; effect of appeal from order, 392; effect of eath of plaintiff, 475; effect of second appeal, 444; election contest, 332; election of remedies, 184; eleven jurors, 475; equity, 154, 311; erroneous judgment, 114; error insufficient to set aside verdict, 114; errors at law, 255; error corrected by remititur, 495; estoppel from alleging error, 485; evidence, 13, 74, 114, 174, 194, 294, 293, 332, 382, 431; exceptions, 114, 173, 255, 495; excessive attorney's fees, 191; excessive verdict, 357; exercise of discretion, 145, 224, 377; exercise of franchise, 332; expenses of careat, 194; extrinsic maters, 495; failure to assign error, 94; failure to file brief, 173; failure to state cause of action, 274; filing bill of exceptions, 214; filing new bond, 332; findings of fact, 74, 298, 332; indings of master, 53; foreclosure of mortgage, 114; form of judgment, 74; grant of new trial, 392; harmless error, 13, 173, 495; illegal claim, 74; imperfect undertakings, 114; improper party, 94; inability to pay costs, 194, 214; injunction, 94; injury to passenger, 352; injury to servant, 332; inspection of records, 74; instructions, 13, 53, 74, 134, 173, 214; interlocutory decree, 774; joint exceptions, 134; judgment on voluntary nonsuit, 434; jurisdiction, 54, 94; question of next, 159; objection first urged on appeal, 311; particular loss, 214; parties, 74, 382; partition suit, 274; pauper affi

on supersedeus bond, 234; tax deed, 234; temporary injunction, 114; time of taking appeal, 11, 311; transcript, 35; transfer, 54; transfer for benefit of creditors, 234; transmission of return of amendment, 195; uncertain value of counterciaim, 418; urging different theory on appeal, 215; vacating judgment, 332, 413; verdict given on insufficient evidence, 174; waiver, 35, 174, 475; water course, 293; writ of error, 54.

Appearance, attachment, 418; defects m process waived, 114; effect as conferring jurisdiction, 41, 43; witness, 174.

Arbitration and Award coelections.

Arbitration and Award, ecclesiastical court, 293; illegal transaction, 54, 495; lien on land, 377; water rights, 14. Army and Navy, court-martial, 274, 454; enlistment of minor, 413.

Army and Navy, court-martial, 274, 454; enlistment of minor, 443.

Arrest, by private person, 377, 495; civil action, 232; mensure of damages, 255; threatening crime, 14.

Assault and Battery, accomplices, 392; aggressor's right to damages, 475; arrest, 14; assault on child, 454; assault on wife, 454; deadly weapon, 311; defense, 311; improper liberties, 14; indictment, 255; information, 174; punitive damages, 114; reasonable force, 135; touching another in rudeness or anger, 475; trespass quare clausum, 234; unchastity of prosecutivs, 174.

Assignments, non-negotiable chose in action, 195; assent of parties, 255; chose in action, 392; contract, 54, 215; defenses, 75; equitable assignments, 155; judicial sales, 332; special fund, 94; validity, 54.

Assignment for Benefit of Creditors, action on bond, 14; appraisal of property, 234; attaching creditors, 274; burden of proof, 75; consenting creditors, 32; estoppel, 174, 434; failure of assignee to qualify, 274; life estate, 475; re-execution of instrument, 174.

Associations, violation of agreement, 293.

Assumpsit, Action of, accrual of cause of action, 195; building contract, 332; where goods delivered are not converted or destroved, 155.

Attachment, amendment of return, 377; attachable interpetation.

Attachment, amendment of return, 377; attachable interests, 75, 413; breach of marriage promise, 332; death of defendant, 274; death of judgment debtor, 311; defense, 134; dissolution, 413; insufficient allegation, 54; nonresidence, 434; notice to tenant, 134; pleadings, 35; second, 155; sufficiency of return, 232; value of goods, 134; wrongful attachment, 352, 454.

134; wrongful attachment, 352, 454.
Attorney and Client, action for fees, 352; contract of employment, 215, 255, 495; disbarment, 234, 332; estoppel, 332; fraudulent misleading the court, 234; implied contract, 14; lien, 75, 295, 414; material alteration, 233; meaning of word "recover," 15; money fraudulently obtained, 94; note given for converted money, 274; quantum meruit, 95; right to practice, 311; right to settle cause, 311; esrvices, 95; surety, 311; unauthorized services, 75; value of services, 332; warrant of attorney, 274. services, 7 torney, 274.

torney, 274.
Auctions and Anctioneer, title to realty, 495.
Bail, allowance after conviction, 377; canstruction, 75;
jurisdiction, 174, 195; liability on bond, 174; recognizance in advance of arrest, 454.
Bailment, burden of proof, 134.
Baikruptey, action against receiver, 434; action by trustee 454; after acquired title, 434; antionpy, 75; allowance to assignce, 37; assigned claim, 414; assignment by burkrupt 44; assignment for creditors, 414; books ance to assignee, 377; assigned claim, 414; assignment by bankrupt, 14; assignments for creditors, 414; books of account, 434; choosing trustees, 54; compelling production of assets, 414; concealment of assets, 322, 434; creditor's right to oppose legislation, 454; creminating testmony, 414; death of bankrupt, 35; debts affected by a discharge, 54; debts created by fraud, 155; deduction of new credits, 434; demurrable petition, 454; discharge, 155, 174, 393, 414, 454; discount of debtor's note, 435; dismissal of involuntary petition, 438; dissolution while insolvent, 392; enjoining suit in state court, 352; evidence of insolvency, 54; execution mortgage, 424; 435; dismissal of involuntary petition, 436; dissolution while insolvent, 392; enjoining suit in state court, 352; evidence of insolvency, 54; exceution mortgage, 414; exemptions, 174, 393, 495, 454; extension to other than trader, 495; fiduciary debt, 414; findings of referee, 174; fraudulent conveyance, 475; Georgia insolvency law, 64; goods obtained by fraud, 414; incriminating questions, 352; involuntary proceedings, 275, 454; judgment by consent, 414; jurisdiction, 414, 435; knowledge of purchaser, 54; llens, 174, 275; life insurance policy, 392; mortgage lien, 174; mortgaged property, 234; note of third party, 455; partmership, 174, 811, 352; possession of property, 414; preference, 155, 174, 382, 293, 414, 455; preliminary objection to jurisdiction, 255; priorities, 275; probable cause, 275; property passing to trustee, 435; provable debts, 414; recording of chatel mortgage, 35; release, 54; replevin, 14; semitontine policy, 255; separate petitions and adjudication, 435; stock broker's customer, 174; suit against in trustee, 455; vacating adjudication, 275; validity of chattel mortgage, 435; void liens, 35; voluntary bankrupts, 414 rupts, 414

rupts, 414
Banks and Banking, action against stockholders, 398;
appropriation of trust fund, 114, 234; authority to arrange a loan, 134; certifying checks, 332; checks, 115;
collection of draft, 35; defense in payment, 134; deposit
of court funds, 352; estoppel, 174; failure to protest a

note, 435; gift from husband to wife, 414; guaranty of notes of third parties, 455; insolvent national bank, 174; intervention of national bank, 435; knowledge of insolvency, 74; liability inter se, 352; liability of directors, 332; liability of stockholders, 377; payment 54; payment of altered checks, 352; power to act as collection agent, 311; receiver of national bank, 14; refusal to honor check, 115; saving banks, 35; signatures, 275; special plea, 311; satement to surety company, 435; usury, 174.

Bastards, adoption, 393; support of children, 393.

Bastards, adoption, 393; support of children, 393.

Benefit Societies, must conform to by-laws, 175; assessment to members, 311; beneficiary, 322; constitutional law, 155; criticising officers, 75; designation of beneficiary, 75; cr post facto by-law, 275; expulsion of member, 495; illegal assessments, 115; legal heirs, 293; member's right to legal redress, 155; notice of assessments, 134; pleading, 215; reasonable regulation, 75; reduction of policy, 184; waiver of forfeiture, 75; widow's right, 14.

Bills and Notes, action on note, 435, 496; attorney's fee, 115, 195; authority of agent, 235; bona fide holder, 14, 155, 312; bonds, 134; conditional acceptance, 383; conditional payment, 312; consideration, 115, 285, 332, 252; credits, 134; death of party, 455; delivery, 312, 496; demand and notice, 195; demand notice, 295; ordectosion, 175; evidence, 95; foreclosure of mortgage, 455; gambling debt, 377; in fraud of creditors, 275; order of proof, 352; ownership, 486; partial payments, 115; payment to payee, 293; presumption from possession, 35; proof of payment, 175; provision for extension of time, 475; purchase for half price, 332; purchaser for value, 175; recovery of debt, 312; renewal a waiver of defense, 134; signature, 312; suit by assignee, 414; vendor's lien, 496.

Bonds, assignment, 35; consideration, 75; damages, 475; processor of methods, assignment, 35; consideration, 75; damages, 475; processor of methods, 416; provision of the 455; processor of methods, 416; partial payments, 115; payment to payee, 293; presemption of payments, 175; provision for extension of time, 475; purchase for half price, 332; purchaser for value, 175; recovery of debt, 312; renewal a waiver of defense, 134; signature, 312; suit by assignee, 414; vendor's lien, 496.

Bonds, assignment, 95; consideration, 75; damages, 475; erasure of surety's name, 44; erection of building, 377; estoppel, 298, 294; evidence, 398; liability of surety, 136; misappropriation of funds, 95.

Boundaries, acquiescence, 312; agreement, 14, continuance line, 3:7; evidence, 14, 35; federal question, 275; governmental survey, 155; land below high-water mark, 175; liability of city and railroad, 455; settlement by agreement, 215; surveys, 332; tide water, 54. Breach of Marriage Promise, defenses, 475. Breach of Warranty, damages, 332.

Breach of Marriage Promise, 1efenses, 475.
Breach of Warranty, damages, 332.
Bribery, house of prostitution, 275.
Bridges, contribution for repairs, 115; defective culverts, 332; natural decay, 115; unguarded approach, 225; Brokers, agent's authority, 255; commissions, 235, 238, 294, 312, 232, 353, 377, 414, 475, 496; procurement of loan, 195; purchase of property, 225; revocation of authority, 294; right to commission, 115; sale of land, 14.
Building and Loan Associations, 435; accounting, 215, 312; amount due on mortgage, 414; coupon dividend, 255; fully paid stock, 215; law which governs, 175, 195; 255; loans, 312; management by directors, 312; maturity of stock, 285; payment of dest, 475; purchase of stock, 195; repayment of debt, 312; rights of borrowing members, 14, 322, 353; right of purchaser assuming mortgage, 435; sale of real estate, 134; ultra vires act 496; usury, 312; value of stock, 235.
Building Contract, assignment, 155; damages, 333; decision of architect, 155; evidence, 333; right of owner, 155.
Burglary, accomplices, 333; consent of occupant, 54; evidence, 36; instructions, 36; pleading, 393; possession of stolen goods, 195, 495; property stolen, 414.
Canals, easement revived, 155.
Cancellation of Instruments, conditional sale, 115; fraud, 353, 414; laches, 333; possession, 14; suit by reversioner, 215.

sioner, 215.

353, 414; laches, 333; possession, 14; suit by reversioner, 215.

Carriers, action for conversion, 285; alighting from moving train, 353; authority of agent, 75, 95; bill of lading, 95, 455; burden of proof, 333; 353, 377; concurrent negligence, 455; connecting lines, 312, 496; continuous passage, 36; contract, 75; contributory negligence, 496; damages, 95; dammum obeque injurin, 383; defective freight platform, 265; failure or delay in delivery, 275, 294, 333; demurrage rule, 115; derailment of cars, 155; detached wrong coupon, 295; discharging passengers in a dangerous street, 134; duties of conductors, 393; duty of passenger, 14; evidence, 95; exemplary damages, 14; fire caused by sparks, 75; frandulent use of pass, 435; gratious passage, 54, 75, 95, 393; injury to passenger, 312, 353, 393, 455; instruction, 25; interstate commerce, 435; liability for damage on connecting lines, 455; lien on property, 265; limitations, 175, 312, 393; live stock, 14, 393; mental suffering, 353; mileage book act, 475; negligence, 14, 36, 35, 215, 353; overcrowding trains, 332; passenger elevators, 475; passenger's assumption of risk, 75, 115, 312; passenger's baggage, 255; payment of charges, 435; perishable goods; 54; persons assisting passengers to board train, 294; prima facic case, 353; punitive damages, 353; vis major, 175; separate charges for terminal services, 455; shipper's right to damages, 358; stoppage in transitu, 155; transportation of freight, 333; trespasser, 175; warning to prospective passenger, 475; freight trains, 333.

Cemeteries, incorporation for profit, 215; reversion, 455; sale, 175.

Certiorari, detention of relator, 294; district court's juris-diction, 115; motion to dismiss, 377; to vacate judgment,

Champerty and Maintenance, enforcement, 54; mortgages,

Champerty and Maintenance, enforcement, 54; mortgages, 14; sale of land, 412.
Charitable Hospitals, liability for negligence of the surgeons, 235.
Charities, designation of clasts, 393; enforcement, 496; orphan asylum, 235; pleading, 155.
Chattel Mortgages, attachment, 235; conversion, 54, 368; detinue, 333; discharge of lien, 353; flour mill, 235; forerelosure, 235; fraudulent conveyances, 354; household goods, 275; Indiana statute, 255; property covered, 312, 353; recording, 35, 156; release by mistake, 378; removal of property from statute, 30; rights of innocent purchaser, 75; right of mortgage, 115; sufficiency of description, 435; violation of conditions, 333.
Chinese Laborers, proceedings to deport, 455.
Clerks of Courts, moneys received, 312; surety on official bond, 95.

bond, 95

olleges and Universities, expulsion of student, 455.

Collision, failure to change course, 455; inevitable accident, 54; navigation in fog, 456; overtaking vessels, 255; presumption of fault, 378; steam vessels crossing, 435; tug with tow, 358.

Commerce, crossing accident, 312; domestic telegraph message, 445; emigrant agent, 195; foreign corporations, 175; interstate commerce, 486; intoxicating liquors, 312, 475; license fee on telegraph company, 336; heense tax, 435; pure food law, 275; state law regulating sale of liquors, 435; state statute, 436; state taxation, 414, 475. Compromise and Settlement, consideration, 353; forbearance to contest will, 393; partnership accounting, 275; right to settle without notice to court, 294; subsequent action for conversion, 353; violation of compromise.

action for conversion, 353; violation of compromise,

action for conversion, 353; violation of compromise, 495.

Conspiracy, constitutionality of boycotts, 36; false marriage promise, 353; illegal voting, 195; labor unions, 415; responsibility for each other's acts, 456; several liabilities, 456; sufficiency of indictment, 435.

Constitutional Law, anti-trust law, 486; class legislation as to enjoyment of public waters, 175; commerce, 275; cost of court, 14; criminal court of Atlanta, 456; dairy and cow stable, 294; discharge of labor union members, 475; discrimination in insurance rates, 36; double taxation, 312; due process of law, 175, 275, 333; eight-hour law, 195; employer's liability act, 415; exemptions, 75; failure to deliver telegram, 353; impairment of obligation, 255; impairment of property rights, 215; impaeament of verdict, 333; inheritance tax, 115; inquisition in lunacy, 175; insurance policies, 255; monopolies, 95; ordinance impairing contract, 275; outside attendants of city schools, 456; petition for damages, 353; police regulation, 333; public lands, 235; reduction of car fare, 175; regulating saloons, 496; repairing sidewalks, 115; right of pensioners to hold office, 415; sale of iquor to students, 256; statutes, 75, 312, 375; taking property for private purposes, 175; taxation of non-resident stockholder, 333; tax bills, 475; telephone companies, 456; validity of statute, 415; women's rights to sell iquor, 334; advise of counsel, 54; bribing furers, 115; comtiquor, 353.

456; validity of statute, 415; women's rights to sell tiquor, 353.

Contempt, advice of counsel, 54; bribing jurors, 115; comment on politics, 215; disobedience of order, 256; fictitious bond, 378; power of court, 195; proceedings, 256; punishment, 75; sufficiency of evidence, 353.

Continuance, absent witness, 215; affidavit, 313; depositions, 378; matter of right, 235

Contracts, action for breach, 156, 195, 378; action for full performance, 75; acts ultra circs, 456; agency, 95; agreement to reconvey, 156; allowance for extra work, 416; alteration in building contracts, 496; approval of engineer, 313; architect's certificate, 195, assignment of patent, 159; bond of deputy sherifi, 338; breach, 15, 293; competition bidders, 36; conditions precedent to recovery, 131; consideration, 475; construction a matter of law, 356; contravention of statutory regulation, 415; demand for payment, 333; division of "profits," 294; drilling of water, 313; election of remedies for breach, 456; false notice, 456; for benefit of third persons, 31; fraud, 15, 456; fraudulent representations, 115, 445; future delivery, 353; husband and wife, 475; intention of parties, 354; interpretation, 33, 333, 393; legal construction, 313; licenses, 313; limiting liability, 256; maintenance for life, 54, 435; married women, 495; measure of damages, 156; mental capacity, 294; new trial, 36; performance, 313, 393, 495; placing business on paying basis, 445; pleadings, 115, 134, 393; practical construction, 115; principal and surety, 334; public policy, 15, 36; quantum meruit, 75; right of third party to sue, 215; rights of widow as a consideration, 195; services, 215, 354; subsequent parol agreement, 195, 475; subsequent parol agreement, 195, 475; subsequent parol agreement, 19, 475; subsequent parol variation, 195; substantial performance, 51; tax warrants, 15; unauthorized agent, 15; validity, 334; waiver of stipulation, 36; what law governs, 256, 436; work on railroad, 175; written and oral, 115.

Contribution, action on a note, 175; prior incumbrances,

Conversion, express trust, 415; interest of minor heir, 313; wills, 36, 436.

Wills, 39, 439.

Croporations, action against executor, 456; action on a note, 76, 95; appointment of receiver, 15; assignment of lease, 313; authority of president, 415; averment of capacity, 115; bonds issued by de facto corporations, 275; call on stock, 256; conditional liability, 115; contracts, 36, 115, 313; contribution, 95; deed of trust, 313; deed to directors, 236; directors necessary parties, 415; dissolution, 334; dramshop act, 354; estoppel, 354; exchange of shares for paid-up shares, 234; extradition expenses, 436; failure to file statutory statements, 134; fishing site 496; funds wrongfully denosited, 334; exchange of shares for paid-up shares, 294; extradition expenses, 496; failure to file statutory statements, 134; fishing site, 496; funds wrongfully deposited, 394; illegal dividends, 375; inspection of books, 15; jurisdiction of suit against foreign corporations, 115; justice stockholders, 235; 275, 495; limitations, 216, 354; losel stockholders, 235; 275, 495; limitations, 216, 354; losel stockholders, 235; 275, 495; limitations, 216, 354; losel stockholders, 235; 276, 495; limitations, 216, 354; losel stockholders, 235; 276, 496; limitations, 216; 354; losel sylvent, 354; notice, 54, 116, 294; personal liability, 156, 353; pleading, 333, 394; preferences, 313, 334; provisions as to sate of stock, 354; receivers, 354; report of referee, 313; receission on contract for fraud, 294; right to hold property, 54; right to vote for dissolution, 436; sale of corporate property, 134, 394, 436; service of summons, 156; statute imposing conditions, 215; statutes of stockholders, 394; stock, 15, 436; stockholders, 349; stockholders, 394; stock, 15, 436; stockholders, 394; stock, 15, 436; stockholders, 394; stock, 15, 496; subscription rights, 476; substantial performance, 54; suit where officers reside, 116; trade-name, 76; trust fund, 215; ultra vires, 35, 378.
sts, affidati of poverty, 256; appeal, 156, 496; appeal in criminal cases, 476; bonds signed in lank, 116; briefs, 236; compensation for defending indigent persons, 116; death of accused, 55; excessive verdict, 496; expenses of auditorship, 294; fees of witness, 318, 378; how taxed, 36; immaterial parts of the record, 35; stocknothunance of action, 55; excessive verdict, 496; expenses of auditorship, 294; fees of witness, 318, 378; how taxed, 36; immaterial parts of the record, 35; jurisdiction of appellate court, 15; payment of costs, 345; security for costs, 343; separate appeal, 36; stenographer's fee for costs, 134; transcript, 415.

peal, 36; stenographer's fee for costs, 134; transcript,

60. Counties, bonds, 134, 175, 333, 394; compensation of commissioners, 333; coroner's bill, 215; court house, 256; equity proceedings, 436; extradition expenses, 436; fadure to levy sufficient tax, 76; indictment of fiscal court, 354; jurisdiction of court, 334; levy of school tax, 134; liability of torts, 313; police jury, 313, 354; power to aid railroads, 35; publication of ordinance, 313; purchase of bridges, 455; sale of lands, 236; removal of officers, 236

Courts, action involving title to land, 334; ancillary

moval of officers, 236 arts, according to the land, 334; ancillary jurisdiction, 175; certification of supreme court, 6, 95, condicting decisions, 15; conflicting terms of court, 354; constitutional question, 334; duty to grant writ, of error, 234; equity jurisdiction, 436; foreign corporations, 195; foreign statutes, 156; jurisdictions, 15, 36, 55, 76, 184, 215, 275, 334; lumping claims for the purpose of jurisdiction, 116; mandamus, 15; opinion of foreign court, 476; prerogative writ, 236; principal the purpose of jurisdiction, He; mandamus, 18; opinion of foreign court, 476; prerogative writ, 236; principal and surety, 378; quieting title, 95; right to procure furniture, 236; sheriff's certificate of sale, 334; sitting in two divisions, 36; state decisions including federal courts, 456; suit by Indians, 415; waiver of jurisdiction, 415; writ of error to county court, 76; writ of prohibition, 334.

415; writ of error to county court, 76; writ of prohibition, 384.

Covenants, burden of proof, 276; certiorari, 175; constructive eviction, 496; conveyance of water rights, 175; damages for breach, 334; foreclosure sale, 36; goodfaith purchaser, 313; rights of assignee, 216; warranty of title, 36.

Creditors' Suit, cemeteries, 135; collateral attack, 496; debt of another, 95; debtors' equitable interest, 156; frandulent conveyance, 236; pledged property, 116; judgment, 394; right to intervene, 236; testamentary trust, 294.

Criminal Evidence, admissions of one conspirator against others, 216, 313; admissions while under arrest, 325; sourglary, 334; conversation while under arrest, 476; ecclaration of conspirators, 15; describing wounds, 195; good character, 216; letters written in Jail, 456; perjury, 476; refusal to assist in discovery of criminal, 76; reputation, 135; res geatac, 276; testimony before grand jury, 55; testimony as to part of conversation, 236; testimony at former trial, 476; value of sweat-box confessions, 354; voluntary statement, 294.

Criminal Law, abandonment of wife, 354; absence of wit-

fessions, 334; voluntary statement, 294.

Criminal Law, abandonment of wife, 334; absence of witness, 496; accessory before the act, 216; accomplice, 36; 334; adibi, 294; appeal, 35, 236, 496; assault upon wife, 313; assigning counsel for defense, 156; assisting in criminal act, 294; burglary, 236, 496; complaint, 496; defective counts, 55; directed verdict, 236; embezzlement, 496; extrajudicial confession, 415; extrajudicial jurors, 415; failure to object, 36; former jeopardy, 76; grand jury, 476; habitual criminal act, 334; instructions, 313, 334; jurisdiction, 195, 334; jury, 96; liberty of the press, 496; lieutenant governor, 96; list of jurors, 384; malicious destruction of property, 354; motive, 96; numerous fines, 334; obstructing officer, 496; plea in

abatement, 276; preliminary hearings, 378; presumption of correct restoration, 135; question of fact, 334; reasonable doubt, 436; res gestæ, 436; responsibility for crime, 378; review by supreme court, 334; time for appeal, 156; venue, 216; weakness of mind, 216; witnesses, 334.

nesses, 334.

Oriminal Trial, absence of counsel, 378; absent witnesses, 15; agreement between attorneys as to punishment, 436; appeal by commonwealth, 334; argument, 276; argument of counsel, 378; arraignment and plea, 294; assignment of counsel, 378; arraignment and plea, 294; assignment of error, 36; bills of exceptions, 36, 313; cautonary instruction, 76; challenges, 15; change of venue, 216; comments of prosecuting attorney, 476; comparison of writing, 35; compromise verdict, 294; conflicting evidence, 294; consolidation, 195; continuance, 354; contradicting plea, 256; defense of drunkenness, 354; demand for trial, 456; description in transcript, 55; discretion of trial judge, 15; crrors in charge, 236; evidence, 354; examination of witness, 116; excessive fines, 76; failure of record to show arraignment, 354; forced to trial without counsel, 76; hypothetical case, 334; immaterial error, 36; improper remarks of witness, 36; instruction, 196; instruction on reasonable doubt, 334; intoxicated jurors, 415; jury, 15; jury discussing former verdict, 196; jury's recommendation, 256; mindamas, 196; instruction on reasonable doubt, 334; intoxicated jurors, 415; jury, 15; jury discovered evidence, 196; obtaining money under false pretenses, 334; opinion of witness, 313; owner's right to bid at sale, 476; part of a letter, 136; previous trial and conviction, 15; record, 855; relationship between witness and juror, 216; remark by trial count, 17; remarks predjudicing jurors, 456; re-reading testimory, 276; witness in peumentary, 285.

Crops, effect of delivering deed, 295.

Curlesy, life estate, 256; partition, 334; separate property, 394; validity of statute, 76; wife's trust deed as surety, 256. Criminal Trial, absence of counsel, 878; absent witnesses,

394; validity of statute, 76; wife's trust deed as surety, 286; 286.

Customs and Usages, admissibility in evidence, 323; ambiguous constitution, 156; evidence, 314; real estate brokers, 236; seasonable acceptance of offer, 276.

Customs Duties, additional duties, 236; American artists, 276; laws of Russia, 175; tarriff act, 276; ternis ball, 53.

Damages, abstraction of vater, 285; action on note, 276; amount, 96; breach of contract, 156, 176, 314, 496; building contract, 285; compensatory damages, 36; due care after injury, 76, 276, 476, 497; eminent domain, 334; evidence, 36, 16; excessive, 15, 76, 216; exemplary damages, 76, 216; failure to harvest at agreed time, 236; financial condition of defendant, 436; for breach of contract to deliver shares of stock, 415; hysteria, 76; increase of animals, 76; injunction, 334; injuries to esection man, 334; injury to servant, 135, 354; instructions, 76, 335; loss of leg, 456; malpractice, 216; medical services, 156, 295; mistakes as to title, 295; mortnary tables, 437; pecuniary condition of plaintiff, 394; penalties, 236, 335; personal injuries to child, 355; pleadings, 378; proper elements, 235, 355, 476; proximate cause, 36; punitive damages, 15; reducing the damages from the injury, 37; remittitur, 156; res judicata, 295; seamar's loss of leg, 276; special contract, 276; special profits, 436; speculative, 314, 415; violation of one's legal rights, 15; waste, 394.

Death, former marriage, 15; funeral expenses, 135; presumption, 236; presumption of deer care, 355; seven

Death, former marriage, 15; funeral expenses, 135; pre-sumption, 256; presumption of due care, 355; seven year's absence, 378.

year's absence, 578.

Death by Wrongful Act, evidence, 15, 378; excessive damages, 295; joinder of actions. 15; judgment for widow bar to suit by child, 497; loss of services, 355; measure of damages, 256; minor child, 256; negligence of superior servant, 216; proximate cause, 76; right of action, 76; statutes giving a civil right of action, 476; mortality tables, 415, 497; pleading, 415.

Debtor and Creditor, laches, 55.

Dedication, building line, 355; evidence, 76; Intent and acceptance, 135; land conveyed, 135; retraction, 216; right of adjacent property owners, 476; roads, 276.

right of adjacent property owners, 476; roads, 276. Deeds, agreement to support grantor and another, 135; condition precedent, 55; condition subsequent, 156, 196; consideration, 314; construction, 77, 186, 335, 476; date of contract, 236; defective acknowledgement by married woman, 196; delivery, 135, 314; duress, 276; ejectment, 295; escrow, 77; flduciary relation, 335; judicial notice, 276; life estates, 55, 96; merchantablitile, 55; mortgage debt. 96; parol building restrictions, 16; premature submission, 295; presumption of delivery, 334; 'proof of execution, 476; proper place of record, 55; ratification, 276; release of quitclaim, 37; undue influence, 16.

Depositions, absence of one commissioner, 476; exceptions, 135; filing, 196; general interrogatories, 436; motion to suppress, 96; notice, 135; receipt, 16; redeposit of funds, 135; when objections should be made, 457.

Descent and Distribution, advancements, 116; collation by heir, 314; curator ad hoc, 497; decree of distribution, 16; debt to succession, 314; interest of heir indebted to escate, 226; mental capacity to execute deed, 486; object of the statute, 286; purchase of land from heirs of deceased surety, 355; rights of heir to property, 16, 87; share in lieu of dower, 335; widow, 335.

Detinue, insolvent estate, 476; property of office, 77.

Discovery, assigned claim, 295; before issue joined, 145, 415; examination before trial, 156; examination of defendant's books, 16; failure to produce papers, 77; right to inspection, 335.

Dismissal and Nonsuit, action in account, 116; discontinuance, 55; garnishment, 16; intervention, 335; irprisdiction, 335; representative action, 55; ruling on demurrer, 55; service, 96.

Disorderly House, evidence of marriage, 235.

District and Prosecuting Attorneys, appointment by court, 16; recovery for services, 77; right to employ attorney, 285.

Divorce, alimony, 77, 314, 235, 476; alimony pendente lite, 216; allowance, 236; allow

295.
Divorce, alimony, 77, 314, 335, 476; alimony pendente lite, 216; allowance, 236; allowance of attorney-fee, 436; evidence, 96; ex-parte order, 355; failure to pay alimony, 394; good faith of plaintiff, 314; right to administer, 236; setting aside, 314; vacating decree, 295; voluntary abandonment, 96.
Dower, conveyance on fraud of dower rights, 355; divorce, 476; election, 16; homestead, 135; jointure, 158; mineral rights, 55; release, 135; sale of wood by widow, 335; seizin in husband, 196; widow's right, 16.

Drains, assessment of expenses, 394; certiorari, 236; change of trade, 355; conclusiveness of findings, 236; jurisdic-tion, 77; limitation of tax district, 355.

Easements, increase of burden, 216; ordinance, 196; pre-scription, 314; right of way, 236, 314, 394; right to build over, 216; subsequent deed, 216; trivialty of injury

Ejectment, adverse possession, 55, 96; defenses, 156; equity setting aside deed, 196; evidence of title, 77; possession, 314; proof of paramont title, 37; right of entry, 196; title to maintain, 394; value of land, 394.

Elections, appointee's rights upon removal of auditor, 156; Australian ballot law, 394; ballots, 55, 314; change of venue, 45; contest, 37, 385; designation parties, 314; divorce women, 196; failure to open and close polls at hours required, 476; illegal voice, 415; mandamus, 77; man.damus-to compel recount, 156; official ballots, 497; printing candidates' names, 196; right to certificate of election, 476; testimony of illegal voter, 477; validity of act, 196.

Election of Remedies, damages for nuisance, 378; priorities, 276.

Electricity, act of God, 335; contributory negligence, 196; injury caused by hanging wire, 116; presumption of negligence, 335; proximate cause, 276; res ipsa loquitur,

negrigence, 353, proximate cause, 319, 78s ipsa toquator, 255.

Embezzlement, indictment, 497.

Eminent Domain, abandonment of eondemnation proceedings, 334; abandonment of easement, 435; appropriation of private property, 335; authority of ratiroad company, 176; compensation, 135, 195; condemnation for public use, 476; condemnation of land, 96; condemnation of water, 205; condemnation proceedings, 335, 437; contesting condemnation proceedings, 356; damages, 216; ejectment, 116; "clection, 375; electric light poles, 407; excessive verifict, 116, 415; exercise of right, 37; failure to compensate, 457; height of building, 355; market value, 77; offer to make compensation, 314; powers of telegraph companies, 457; remedy at law, 355; reservations in in deed, 416; rights of properly owners, 135; right of way, 77; right to compensation, 196; riparian rights, 135; statute of limitations, 77; stock pens, 436; water right, 216; waterworks, 216. right, 216; waterworks, 216.

135; statute of limitations, 77; slock pens, 436; water right, 216; waterworks, 216.

Equity, action by stockholders, 276; construction of will, 96; court may determine compensation, 87; cross bill, 96; court may determine compensation, 87; cross bill, 394; decree, 415; departure, 16; disregarding the findings of jury, 394; enforcing legal demands, 55; erroneous order, 477; fludings of jury, 314; findings of master, 486; improper cross-examination, 176; in part defeto, 335; jurisdiction, 16; jurisdiction determined, 276; jury, 35; laches, 77; miming royalises, 135; reference for accounting, 176; reopening hearing before master, 276; retention of jurisdiction acquired, 37; right of action, 355; tip on horse races, 196; vacation of decree, 355; waiver of objections, 395; warehouseman, 295; what constitutes laches, 394.

Escape, indictment, 55; information, 77.

Estoppel, bond for new trial, 497; boundaries, 477; chattel mortgage, 355; clothing debtor with apparent ownership, 314; confirmation deeds, 497; disputing insanity of ward, 477; divorce, 415; duress, 276; easement, 295; estoppel to purchaser, 476; grantor acquiring adverse possession, 16; husband and wife, 96; infringement of patent, 276; innocent purchaser, 176; laches, 296; levy of execution, 394; limitations, 196; mortgaged property, 296; operation of coal mines, 385; ownership, 55; parition, 378; petition for drain, 394; recitals of deeds, 77; right of way, 477; services, 77; tax sale, 355;

tort of assumpsit, 276; void of assessments, 237; wife's

tort of assumpsit, 276; void of assessments, 237; wife's conveyance, 196.
Evidence, acceptance of drafts, 355; accident on crossing, 55; account books, 135; action for injuries, 378; action for rent, 216; action on a bond, 77; action on life policy, 334; action on note, 116; admissions, 77, 216, 276; admissions against interest, 477; ancient document, 436; assignment of judgment, 116; attachment, 96; attorney and client, 314; best and secondary, 335; bills and notes, 237; bill of review, 96; bill to construe a deed, 314; books of account, 436; books of entry, 457; Carlisle tables of 11fe expectancy, 394; certificate of record, 477; claim by surviving partner, 237; common knowledge, 56; competency to prove value, 116; consideration, 176; conversation preceding contract, 37; conveyance to child, 415; declarations, 295; declarations by mortgagor, 16; declaration of agent, 394; declaration of grantor after conveyance, 157; defect floor, 477; defective sidewalk, 314; defective title, 415; depositions, 314; destruction of records, 295; disputed evidence, 37; duties of foreman, 314; effect of fire on green hedges, 257; election contest, 335; evidence and comparison of handwriting, 196; expertimental tests, 216; expert disqualified, 256; expert on building, 256; expert expert

116; validity of bid, 37; voidable, 136; void judgment, 436; widow's right to personal property, 157.

Executors and Administrators, action against decedent, 37; ancilliary administration, 37, 315; appeal from final accounting, 237; contingent debt, 315; breach of bond, 176; carrying on testator's business, 295; claim against estate, 395; collateral attack, 477; commissions, 97, 315, 487; compensation, 55; compensation of parent for child's board, 315; contempt, 77; continuing decedent's business, 486; conpus of estate, 315; creditors, 37, 315; culpable negligence, 217; death of creditor, 37; de bonis non, 315; debts of decedent, 315; debt due estate, 197; decedent's estate, 356; deet from executors, 457; disposition of property after life estate, 315; domicile of debtor, 77; effect of inventory, 378; failure to settle estate, 385; foreclosure by vendor, 336; foreclosure of mortgage, 385; foreclosure sult, 16; foreign corporations, 16; indebtedness to estate, 277; insurable interest, 16; judicial sale, 436; jurisdiction of court, 78; jurisdiction to appoint, 16; landlord and tenant, 395; legal demand, 217; legal expenses, 315; liability of executor, 477; liability on bond, 217; limitations, 136, 415; marriage after appointment, 336; minor's right to recover, 277;

misappropriation, 356; money had and received. 97; monument an item of funeral expenses, 497; notice to corporation, 17; overpayment to legatee, 415; partition suit, 17; payment and satisfaction, 97; payment of claim, 497; power of appraisers, 315; presumption, 277; probate jurisdiction, 97; proceedings by creditors, 315; quieting title, 78; rents before assignment of dower, 17; renunciation of right to administer, 416; right of creditors to demand accounting, 436; right to administer, 416; right to control trust fund, 536; right to nominate administrator, 217; right to oppose appointment, 356; right to purchase claim, 176; sale of estate property, 436; as of real estate, 136, 176; setting aside conveyance, 116; settlement of estate, 17, 157; specific legacies, 197; taxes and interest, 378; uncorroborated evidence, 117; value of services, 56; vendor and purchaser, 295.

Exemptions, attachment, 217; nature of action, 316; "one horse wagon," 197; partnership effects, 37; right of creditors, 437.

Explosives, liability of owner, 437. Extradition, treaty with Prussia, 176. Extradition and Brokers, agency for both parties, 37; burden of proof, 56.

den of proof, 56.

False Imprisonment, arrest by private person, 378; excessive damages, 157; liability, 197; malice, 17; punitive damages, 197.

False Pretenses, evidence, 477; sufficiency of informa-

tion, 356, Federal Courts, administration of estate, 457; appellate deral Courts, administration of estate, 457; appellate purisdiction, 575; constitutional question, 176; diverse citizenship, 457; enjoining criminal prosecutions, 277; following state decisions, 37, 26, 176; interlocutory orders, 37; judgments in criminal cases, 416; jurisdiction of United States court, 78; original purisdiction, 277, 386; parties, 437; power to review decision of state supreme court, 277; practice, 37; review by United States Supreme Court, 78; right to vote for member of congress, 457; service to other districts, 277; suits against estate, 257; taxing costs, 257; unconstitutional act of congress, 277; venue of cause, 237.

Fences, breaking down, 257; criminal prosecutions, 437; evidence, 17; malicious destruction, 356; statutory no-

evidence, 17; malicious destruction, 500; status, 117.

Ferries, riparian owners, 136.

Fire Insurance, appraisement, 277; authority of agent, 316; buildings covered, 217; estate by curtesy, 217; explosion, 295; forfeiture, 497; furnace and boiler part of reality, 295; knowledge of agent, 497; partial loss, 176, 457; policy in firm name, 457; proof of loss, 197; proper parties, 295; right to sue, 316; subrogation, 277, 378; sworn statement of loss, 197; time of taking effect, 296; transferring insurance, 117; unoccupied building, 497; vaccant building, 335; valuation of goods, 477; waiver, 217.

Vacant binding, 39, vanation of goods, 38, 356; violation of statute, 497.

Fish, location of traps, 217; oyster dredging, 38, 356; violation of statute, 497.

Fixtures, flour mill, 237; houses, 117; permanent improvements, 17; purchiser of real estate, 56; unity of title and ownership, 237; window shades and doors, 457.

Focd, police power, 277, 378.

Forcible Entry and Detainer, dower, 356; possession, 78; quasi public corporation, 197; right of action, 38; special plea, 117.

Foreclosure, trade fixture, 237.

Forgery, admissibility of evidence, 497; altering records, 78; evidence, 55, 497; material alteration, 266; power to receive money, 379; venue of offense, 477; verdict, 437; what constitutes, 379.

Fraud, action for damages, 217; false entry in books, 78;

what constitutes, 379. Fraud, action for damages, 217; false entry in books, 78; false representations, 379, 477; honest but mistaken opinion, 117; innocent misrepresentations, 78; plead-ing, 277; 356; right of action, 497.

ing, 277; 356; right of action, 497.

Frauds, Statute of, action against surety on note, 316; agreement to pay plaintiff's attorney fees, 477; assignment of lease, 356; chattel mortgage, 316; contract to convey, 356; contract with real estate agent, 38; corporation, 257; deed executed pursuant to parol contract, 56; enforcement by third party, 78; oral agreement, 336; parol promise to pay prior taxes, 457; part performance, 416; partillor proceedings, 197; pleading, 378; quantum marnit, 117, 277; question of fact, 217; recovery of impiled assumpit, 356; recovery, when allowed, 157; sale of interest in partnership, 255.

Fraudulent Convexances, antecedent debt, 157; actes the

partnership, 295.
Fraudulent Conveyances, antecedent debt, 157; attaching creditor, 497; burden of proof, 296, 437; cancellation, 55; chattel mortgages, 356; compelling reconveyance, 477; conveyance to wife while indebted on a note, 136; creditors of transferee, 56; creditor's suit, 237; de facto register, 437; estate by curtesy, 395; evidence, 97, 356; husband and wife, 56, 117; inadequacy of consideration, 437; intent, 437; knowledge of fraud, 157; knowledge of fraudulent grantee, 38; life policy, 38; mortgage, 437; presumption of fraud, 379; remedy by attachment, 457; right of wife to hold land fraudu-

lently obtained, 136; sufficiency of judgment, 437; sufficiency of petition, 437; validity, 17.

Gaming, constitutionality of law, 459; "Crack loo," 56; dealing in margin, 217; indictment, 56; intent of parties, 379; invalid contract, 176; license to shoot, 197; musical slot machines, 437; possession with intent to ship, 375; slot machines, 56; trespass, 477; turf exchange, 17.

Garnishment, action on check, 176; attachment of funds, 458; beneficiary certificate, 335; claim by third person, 136; estoppel, 497; maturity of case for judgment, 437; money pledged for certain purpose, 379.

Gas, discrimination, 78; use of fuel gas, 477.

Gifts, causa mortis, 437; husband and wife, 879; intervivos, 335.

Gitts, causa mortis, 437; husband and wife, 379; interviews, 385.
Grand Jury, alien juror, 438; discharge, 217; irregularity in drawing grand jury, 277; powers, 78; residence of members, 197; validity of indictment, 17.
Ground Bents, construction of will, 437.
Guaranty, action to enforce, 157; interest, 78; negligence of parties, 385; principal and agent, 316.
Guardian and Ward, settlement of account, 56; accounting held conclusive, 136; conversion by guardian, 157; custody of ward, 277; estate of minor, 217; father's right to compensation for child's board, 336; final accounting, 316; judgment, 316; judgment, 316; prepairs to realty, 336; respass to try title, 257.
Habeas Corpus, appeal, 395; bail by supreme court, 379; court without legal existence, 277; erroneous judgment, 336; function, 277; illegal arrest, 416; prison board, 217; questions considered, 485; right to discharge, 277; sufficiency of return, 296.
Hawkers and Peddlers, definition given by law, 217; licenses, 437.

licenses, 437. Health, contagious disease, 437; emigrant act, 458; liabil-

licenses, 437.

Health, contagious disease, 437; emigrant act, 458; liability for destruction of property, 277.

Health Officers, appointment, 356; private property appropriated for pest house, 379.

Highways, assessment of benefits, 356; change of grade, 437; defects, 117; evidence, 379; failure to work on a road, 78; lease of lands, 157; liability of corporate anthority, 176; negligence, 97; negligent driving, 217; obstruction, 217; personal injuries, 157; prescription, 176; speed of automobile, 498.

Homestead, abandonment, 176; acknowledgements, 316, 356; assault with intent to kill, 356; conveyance, 316; debt created before property paid for, 296; desertion, 356; election, 459; enforced selection, 356; execution, 97; execution sale en masse, 477; exemption of unsevered crop, 458; foreclosure of mortgage, 356; forfeiture, 498; fraudulent conveyances, 117; minority of wife, 217; mortgage, 97; occupancy, 257; oral agreement to convey, 316; preparation of land, 458; recording deeds, 197; selection by husband, 356; sham conveyance, 498; showing under general denial, 379; unborn child, 38; waiver of right, 136; widow's right, 136; allowed and property of place of death, 468; assault to

17.

Homicide, allegation of place of death, 488; assault to prevent murder, 58; cause of death, 336; child murder, 458; conspiracy, 38; defense of another, 385; degree of crime charged, 38; duty to retreat, 38; dying declarations, 17, 176,477; evidence, 157, 177, 217, 316, 388, 438; evidence of previous threats, 95, 395, heat of passion, 385; inquisition in lunacy, 136, 296, 395, 477; insanity, 437; instructions, 38, 117, 217, 316, 357, 447; insanaughter, 38; murder in second degree, 357, 191a of not guilty, 355; provoking difficulty, 458; recommendations of imprisonment, 395; res geste, 379, 477; retreat, 458; review of verdict, 458; splf-defense, 177, 316; 357, 459; sufficiency of information, 357; supplementary, dying declarations; 257; voluntary manslaughte, 295.

Husband and Wife, alienation of husband's affections.

tion, 367; supplementary, dying declarations; 257; volututary manslaughte, 236.

Husband and Wife, alienation of husband's affections, 56, 257; ancient deed, 459; charge on separate estate, 351; community property, 316, 336; conditional sale, 197; conflict of laws, 316; deed of undivided interest, 256; deposit in Joint name, 237; easement on wife's property, 257; estoppel to claim, 56; extra work by contractor, 237; fraudulent conveyances, 357; goods purchased by wife, 458; inchoate interest in mortgaged property, 379; income from wife's separate property, 389; injuries to wife, 217; joint note, 386; land purchased with wife's money, 477; liability, for support of adulterous wife, 117; liability of wife on gnaranty, 56; liability on lien note, 38; necessaries purchased by wife, 416; necessities, 218; presumption, 56; public policy, 97; ratification of void mortgage, 416; realty held in wife's name, 336; separate maintenance, 256; separate property, 17, 218, 336; separation from husband, 177; separation of property, 498; shares of stock, 257; state demand for community property, 296; subrogation, 316; suit for ouster, 38; torts of wife, 416; widow's statutory rights, 316; widow to prosecute snit, 177; wife as surety, 56; wife's separate property, 56, 136, 316; 416.

Improvements, claim for betterment 396; reimbursement, 38

Improvements, claim for betterment 396; reimbursement.

Indemnity, construction, 136; discharge of sureties, 437, Indemnity Bond, revenue stamps, 357.

Indians, alienation of land, 177.
Indictment and information, christian name, 396; failure to allege date, 56; destroying public records, 88; failure to sign 477; harmless error, 257; illegal voting, 218; leave of court, 97; motion to quash, 66, 379; striking with deadily weapon, 437; variance, 17.
Infants, actions against by mother; 197; affirmance of deced, 396, avoidance in part, 379; conclusiveness of decree, 157; estoppel, 57; marriage without consent of tutrix, 488; next friend, 296.
Injunction, anticipating illegal action by municipality, 278; attorney's fees, 198; corporations, 357; damages, 38; ejectment suit, 286; enjoining action at law, 357; fraudulent misrepresentations, 357; furnishing steam power: 356; labor unions, 218; liability on bond, 379; malicious criticism of manufactured article, 498; misuse of court's opinion, 278; ordering employees of receiver to quit work, 416; partnership, 38; premature suit, 416; reasonable doubt, 357; remedy at law, 38, 197; restraining order, 257; restraining transfer, 57; right of privacy, 477; right to compensation, 396; slander, 278; striking employees, 458; sufficiency of petition, 78; swamp lands, 316; trespass on real estate, 296; unreasonable delay on constructing street, 157; use of firm name, 357; violation of city ordinance, 416; withdrawal by stipulation, 78.

violation of city ordinance, 416, withdrawar by supulation, 78.

Sane Person, action by guardian, 316; bond for partial support, 457; conservator's sale, 356; guardian, 478; judgment, 157; liability to county for care, 357; necessaries, 97; notice of inquest, 296; parent's liability for board, 158; re-examination, 357; removal of funds, 17; suit by max friend, 267; what constitutes, 257.

board, 189; re-examination, 301; removal of tutues, 11, suit by next friend, 267; what constitutes, 257. Insolvency, action by assignee, 237. Insolvency, action on policy, 136; action on premium note, 186; agreement to arbitrate, 474; beneficiaries, 416; cancellation, 458; condition of policy, 138; conditions precedent, 257; construction of policy, 316; discharging debt by issuing policy, 38; effect of new contract with employee, 117; employer's liability insurance, 218; husband as beneficiary, 136; immediate notice, 136; insurable interest, 498; iron safe clause, 138; keeping and using combustibles, 478; license tax. 336; living expenses of employee, 157; misrepresentation in application, 367; payment to wife, 97; platform of moving train, 488; proof of death, 488; purchaser of interest in other corporation, 417; receivers, 417; suspension of policy, 57; total loss, 97; validity, 379; warranty, 136.

Internal Revenue, appraisal on mortgage foreclosure,

corporation, 417; receivers, 417; suspension of policy, 57; total loss, 97; validity, 379; warranty, 136.

Internal Revenue, appraisal on mortgage fo reclosure, 137; coupons intobacco packages, 357; inferease in excise, 278; passage of legacies, 177; reasonable conditions in license from patentee, 357; sale of corporate stock, 468; warehouse receipts, 438; warrant to confess judgment, 278; war revenue act of 1888, 257; war tax stamps, 97.

Interest, action for purchase price, 17; bills and notes, 97; withholding money due, 157.

Intoxicating Liquors, application for license, 78; bill to capion, 458; consent to issue liquor tax certificate, 379; damages, 237; defective information, 97; dispensary law, 197; estoppel, 78; evidence, 17; lilegal sale, 17, 57, 97, 177, 278; license, 197, 40dence, 17; lilegal sale, 17, 57, 97, 177, 278; license, 197, eidence, 17; lilegal sale, 17, 57, 97, 177, 278; license, 197, eidence, 17; lilegal sale, 17, 57, 97, 177, 278; license, 197, eidence, 197, sale to intemperate persons, 478; sale to students, 57; sale by druggist, 317; sale of less than a gallon, 357; sale without license, 458; search and seizure 197; sale without license, 458; search and seizure 197; sale without license, 458; search and seizure 197; signatures by mark to petition, 417; soliciting orders in prohibited district, 266; Sunday sales, 38-36; warrant to search premises, 498.

Joint Adventure, 488.

Joint Adventure, 488.

Joint Adventure, 488.

Joint Adventure, 488.

Joint Adventure, 489; writ of assistance, 498.

Judgment, absence from trial, 57; absence of defendant, 197; action on note, 197; amendment of munc pro

yacating bench, 48s; writ of assistance, 49s.
Judgment, absence from trial, 57; absence of defendant, 197; action on note, 197; amendment of nune protune, 45s; amount admitted, 49s; assignability of judgment, 336; assignment, 97; attachment, 296; bona fide purchaser, 38; breach of warranty, 237, 417; chattel mortgage, 357; clerical mispri<sub>2</sub>on, 296; collateral attack, 78, 257, 47s; collusion of parties 97; contingent fee, 296; correction, 237; costs, 177, 27s; death of one defendant, 57; death of resp ondent 97; decretal sale, 137; default, 7s; disbariment of attorney, 317; dishonesty of attorney, 336; dismissal, 197; disqualification of judge, 296; fraudulent conveyances, 47; homestead, 97; interest, 336; interlocuty, 417; judicial mortgages, 357; jurisdiction, 38; legality of claim, 498; liability enforced extraterritorially, 257; lien on real estate, 396; limitation, 218, 27s; mechanic's lien, 557; mistake, 337; modification, 157, 317; mortgage and lease, 17; motion for new trial, 17; motion to set aside, 137; motion to vacate, 218; negotiable note, 137; new trial, 197; nominal

damages, 177; non obstante veredicto, 387; original bill, 97; persons concluded, 57; priorities, 57, 197, 396; proceedings to revive, 218; quo varranto, 317; reformation of judgment, 317; respudicata, 38, 117, 317, 417, 498; revivor of dormant judgment, 57; rights to remandermen, 317; rule to open, 38; service by publication, 337; setting aside false judgment, 117; sixty-day limit, 17; submission to arbitration. 498; suit to set aside, 237; tax bill, 337; tax deed. 97; transcript, 247; trespass to try title, 97; trustee's accounting, 379; unanimity of verdict, 237; unanthorized appearance, 177; United States Court, 499; validity, 396.

Judicial Sales, bond, 17; deduction from purchase price for dower. 379; error in judgment, 137; inadequacy of price, 478; payment of debt, 98; relief of purchaser, 197; instelletion, amondment of vleaging 237.

price, 478; payment of debt, 98; relief of purchaser, 57.

Jurisdiction, amendment of pleadings, 317; collateral attack, 337; waiver of objections, 317.

Jury, challenges, 18, 296, 417; charge, 18; examining jurors, 258; exemption from service, 438; examining jurors, 258; exemption from service, 438; exparte statement, 78; immaterial error, 38; incompetent jury, 117; interest of jurors, 218; ommission in ver dict, 137; public nuisance, 197; questions of fact, 98; recital of special venire, 13; relationship between juror and prosecuting witness, 37; special venire, 379, 438; summoning and impaneling, 98.

Justices of the Peace, action on account, 198; alias execution, 218; appeal, 317, 458; appeal bond, 289; attachment, 137; certiovard, 39; change of venue, 379; constitutional question, 218; counterclaim, 417; curative effect of appeal, 337; defective appeal bond, 98; demand of new trial, 57; different causes of action, 78; discontinuance of suit, 78; disputing lessor's title, 218; error in entry of judgment, 278; evidence, 137; failing to report, 78; failure to execute bond in time, 18; forcible detainer, 218, 438; instructing jury privately, 296; jurisdiction, 57, 117, 198, 238; landford and tenant, 478; motion to set aside, 137; review on certiovari, 358; summons, 396; taking documents to jury room, 338; value on controversy, 337.

Kidnapping, consent of child, 336.

Laches, taxpayer's suit, 296.

Laches, taxpayer's suit, 296. Land, breach of contract, 498.

Kidnapping, consent of child, 396.
Lando, breach of contract, 498.
Lando, breach of contract, 498.
Lando and Tenant, abandonment of possession, 78; action for bond, 218; failure to pay water rent, 458; action for possession, 283; action for rent, 458; agreement to repair, 358; assignment of flease, 358; burden of proof, 317; condition against assignment, 283; dangerous premises, 396; failse representations, 158; ice on sidewalk, 198; landlord's lien, 478; leased land, 417; liability of lessee of building for public purposes, 417; liability of lessee of building for public purposes, 417; liability of lessee of building for public purposes, 417; liability of lessee, 278; liability to persons visiting tenants, 379; lien, 458; notice to quit, 337; oyster beds, 18; possession, 98; property on leased ground 358; provision against alterations, 297. renewal of lease, 278; replevin, 317; resumption of possession by lessor, 396; right to take water from canal, 498; rights to chattles, 177; severable contract, 117; share of crop as rent, 288; specific performance, 288; statute of frauds, 498; surrender of possession, 417; tax sale, 417; termination of lease, 396; trover, 98; unlawful distraint, 458; unprotected roof, 297.

Larceny, allegation of ownership, 358; custom, 458; erroneous instruction, 98; evidence, 137; instuticion, 137; insufficiency of indictment, 419; laying ownership in ballee, 498; pleading, 356; principal, 198; property stolen in another state, 379; reasonable doubt, 137; recent possession, 117; venue, 188; what constitutes, 396.

Libel and Slander, definition, 317; charging infringement of patent laws, 18; currency of slanderous breport, 379; evidence, 238, 417, 439; express malice, 417; justification, 39; libel per s, 49; express malice, 417; justification, 39; libel per s, 49; express malice, 417; justification, 39; libel per s, 49; express malice, 417; justification, 39; libel per s, 49; express malice, 417; justification, 39; libel per s, 49; express malice, 417; justification, 49; malice and credit

159, 278; statement subsequent to indictment, 39. Licenses, construction of ordinances, 137; merchants, 78; occupation, 238, 459; public policy, 297; revocation, 317; standing stallion, 438; steam laundries, 177. Liens, assignment, 199; bill of sale, 396; lien of stock of goods, 417.

Life Estates, disposed of property, 396; gas and mining lease, 297; increase of stock, 198; lease by life tenant, 337; right to sue, 57; sale to satisfy lien, 238; taxation of trust from 4.38.

of trust fund, 438

of trust fund, 438.

Life Insurance, acceptance of premium, 438; accrual of action, 238; computation of paid-up policy, 177; condition precedent, 39; construction of contract, 459; contract conditioned on acceptance by the company, 177; crediting earnings on premiums, 177; delay in action, 117; evidence, 238, 488; false representations, 356; false statements in applications 317; forfeiture, 218; fraud waived, 57; insolvent, 57; material misrepresentations, 459; medical examiner, 57; misrepresentations in application, 297; non-payment of premium, 238; proof of death, 337; proof of loss, 258; proof of murder in an action on policy, 177; provisions of policy, 356; representations, 177; rights of beneficiary, 379; right to paid-up policy, 18; vari-

ance between application and policy, 417; vested in-terest, 39, 459; waiver of conditions, 39; waiver of for-feiture by agent, 177; what is meant by "successfu vaccination," 358.

Limitations of Actions, "a person in prison," 278; absence from state, 57; accounting by guardian, 57; acknow-ledgement of obligations, 459; action by widow, 218; rom state, 31, accounting by gartrant, 51, acknowledgement of obligations, 459; action by widow, 218; action on contract, 489; administrator's final accounting 177; adverse occupancy of street, 479; amended petition, 238; amendment, 177, 278; cancellation of deed, 257; community property, 177; cancellation of period, 177; contract to convey or devise, 177; counties, 358; discovery of fraud, 278; duebili, 39; endorsement on note, 218; failure to file report 278; failure to see, 18; foreclosure of mortgage, 356; fraud, 78, 117; husband's saie of wife's property, 177; ignorance of facts, 417; intervener, 79; invalid county roads, 356; its pendens, 438; manner of glying credit, 579; married women, 489; minor and adult heirs, 297; notice of fraud, 137; partnership, 218; payment by will, 57; possession, 557; recovery of mortgaged property, 356; resulting trust, 58, 218; sale of land, 218; statute of frauds, 198; subrogation, 357; sujt in equity, 379; suit tolls the statute, 438; summons issued in blank, 57; water course, 18.

frauds, 198; subrogation, 337; suit in equity, 379; suit tolls the statute, 438; summons issued in blank, 57; water course, 18.

Lis Pendens, execution sale, 317; specific performance, 396; wife's property, 238.

Logs and Logging, injury to mill owner, 397; lumberman's Hen, 438; making logs, 258; time of filing lien, 137; time of removal, 459.

Lost Instruments, pleading, 57; proof of contents, 478.

Lotteries, trading stamps, 198.

Malicious Prosecution, demurrer, 198; evidence, 57, 8; instigation of another, 478; makine, 278; motive, 158; probable cause, 57, 117, 218, 278, 417.

Mandamus, affidavit of new trial, 218; board of examiners, 438; bringing in proper parties, 158; consolidating causes, 18; costs in compelling court to sign bill of exceptions, 117; county commissioners, 219; county treasurer, 238; court of mediation and arbitration, 219; demurrer, 18, 278; depositions, 317; district court, 158; execution, 58; gas company, 478, inadequacy of other remedies, 118; public officer, 58; reassessing personalty, 118; registration officers, 18; review of an interlocutory judgment, 118; salary of sheriff, 88; school trustee, 58; special elections, 485; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, 178; stock law, 488; statement of facts, 337; statutory remedy, remedy, 178; stock law, 488; supersedeas bond, 397; tax to pay interest on indebtedness, 258; unliquidated claims, 498; warden of penitentiary, 137.

Manslaughter, instructions, 317. Maritime Lien, repairs, 358; supplies, 57; towage services,

Marriage, annulment of marriage, 297; common-law mar-riage, 358; fraudulent representations, 258; parol evi-dence, 18; validity, 498. Marshalling Assets and Securities, mortgage liens, 397;

dence, 15; vanue, Marshalling Assets and Securities, nouse, parties, 58, Master and Servant, action for wages, 219; act of God, 397; acts of brakeman, 297; assunt by station agent, 397; assumption of risk, 58, 137, 158; 178; 198, 337, 358; 380, 397, 459, 478, 499; concurrent negligence, 459; contract of employment, 39, 367; addisence, 39; contract of employment, 39, 397; assumption of risk, 98, 137, 158; 178; 198, 337, 358; 380, 397, 459, 478, 489; concurrent negligence, 459; contract against negligence, 39; contract of employment, 39, 58, 118, 198, 358, 417, 498; contributory negligence, 58; 397; dangerous machinery, 58, 317; dangerous machinery, 58, 317; dangerous premises, 58, 397; deaf mute, 317; death of employee, 198; defective rappliances, 417, 438, 439; duties of foreman, 357; duty to inspect appliances; 459; duty to instruct, 297; duty to warn of special risk, 438; employee's right to be fed, clothed, and sheltered, 118; employer's liability act, 178; employment for period while services are satisfactory, 137; evidence, 18, 258; excavation near track, 219; failure of master to furnish a sufficient number of men, 459; failure to pay servant, 297; fellow servant, 18, 178, 238, 297, 397, 417, 478, 498; foreman's disobedience causing death to servant, 297; failure to pay servant, 297; fellow servant, 18, 178, 238, 297, 397, 417, 478, 498; foreman's disobedience causing death to servant, 297; failure to pay servant, 317; injunctory failures, 129, 278, 478; incomplete gift not entitled to preferences, 158; inexperienced servant, 317; injunction, 259; injury to employee, 219, 238, 337, 418, 478; loading appliances, 258; negligence of driver, 137; negligence on backing train, 137; obvious defect, 178; payment of wages, 459; personal injuries, 118, 178, 158, 219, 238, 278, 297, 337, 418; physician's testimony, 337; pleading, 178; presumption of payment, 198; privity of contract, 459; promise to repair defect, 219; proximate causes, 418; punitive damages, 18; question for the lury, 118; right to commiss ns after termination of employment, 39; right to discharge, 499; running into danger, 478; self appliances, 18, 137; statement as to services, 178; street car transfer, 297; superior servant, 178; vice principal, 79, 338; warning, of danger, 499; wrongful discharge, 448.

schanies' Lien, abandonment of work, 418; continuing lien, 39; contractor's cessation from labor, 198; filing excessive claim, 297; fixed machinery, 39; ground rent, 488; Joint lien for several claims, 219; liability

on contractor's bond, 397; obligation to improve, 297; principal and agent, 178; subcontractor, 58.

Mercantile Agencies, when privileged as a matter of law, 397.

Militia, constitutional law, 380.

law, 397.
Militia, constitutional law, 380.
Mines and Mining, authority of partners, 397; conflicting claims, 297; construction of lease, 158; estoppel to assert, 297; following vein, 278; measure of damages, 198; mechanic's lien, 337; mining claim, 418; option to purchase mine, 258; order for inspection, 278; purchase of mining claim, 397; safe place to work, 478; suit to quiet title, 278.
Money Lent, receiving benefits of agent's act, 358.
Money Received, instructions, 18; invalidity of tax, 397.
Monopolies, exempting agriculturists from anti-trust laws, 178; garnishment, 317; requisites of illegal combination, 459.
Mortgages, absolute deed on form, 178; agreement between mortgagees, 138; amendment of decree, 58, 317; application of insurance, 478; appraisal, 118, 188, 238, 397; appraisement, 118, 318; assupment, 58, 79; assumption of, 498; bankruptey, 258; bill to enforce redemption 98; bona fide assignees, 380; bona fide purchaser, 118; certificate as to taxes, 178; consideration 79.

cemption, 95; both had assigues, 300, on the first chaser, 118; certificate as to taxes, 178; consideration 79.

Money Received, constitutional law, 459; conveyance by grantee, 279; conveyance subject to mortgage, 79; covenant, 298; death of mortgagor, 337; deed absolute in form, 337; defeasant contract, 198; defective acknowledgment, 358; defeiciency judgment, 138; entry by mortgagee, 178; estoppel, 118; evidence, 98; exparte order, 358; foreclosure, 98; 118, 288, 288, 318, 387, 358; inadequacy of price, 198; interest on deficiency, 337; interest on prior incumbrance, 338; interested trustees, 359; invalid conveyance, 258; laches, 18; lease of premises, 198; lien for attorney's fees, 58; limitations, 258; mechanics' lien, 449; merger, 439; obligation to insure, 459; parties to foreclosure suit, 418; payment, 98, 279; penalty for refusing to discharge mortgage, 188; petition in foreclosure, 118; possession, 439; primary debtor, 118; priority of record, 258; publication of notice of sale, 348; receivers, 298, 338; redemption, 279; repair pending foreclosure, 499; revocation of power of sale, 349; right of foreclosure purchaser, 337; right of pledgee, 499; right to foreclose, 258; sale, 118; sale by junior creditor, 318; sale by receiver, 357; satisfaction, 318; security for new debt, 359; setting aside appraisement, 138; sheriff's return of sale, 79; shutting off second mortgage, 318; subrogation, 318 338; suit to redeem from sale, 258; testimony to notary, 98; unauthorized release, 359; usury, 318; validity, 198; violation of covenant, 198; what law governs, 178.

Motions, attorney's affidavit, 298; bringing in new party, 238; opening default before another justice, 461c, 079; action or contract, 158, 818; amendment delicio, 279; action or contract, 158, 818; amendment

Motions, attorney's affidavit, 298; bringing in new party, 288; opening default before another justice, 459; order to show cause, 880.

Municipal Corporations, abutting owner, 79; action ex delicto, 279; action on contract, 138, 318; amendment to declaration, 118; annual village tax, 258; appeal, 18; appointment by outgoing mayor, 380; appointment to office, 95; appropriation for construction of bridge, 359; assessments for improvements, 18, 79, 158, 178, 198, 219, 397, 499; barbed wire nuisance, 138; board of local improvements, 118; bona 3de purchaser, 79; bonds, 39, 118, 138; change of grade, 238, 397; city magistrate, 158; civil service, 418; claims for injuries due to negligence, 418; constitutional prohibition, 79, 98; construction of sidewalk, 118, 138; contracts, 198; contract for lighting, 118; contributory negligence, 128; cost of curbing, 18; dairy and cow stables, 298; defective highways, 198; defective sidewalk, 118, 219, 238, 318, 338, 337, 418, 499; discharging explosives, 138; draining water from house, 258; esooppel, 258; exemption from taxation, 318, 397; explosion of sewer, 279; failure to light street, 158; failure to suppress disreputable house, 219; fire department, 39; franchises, 58, 98, 199, 258, 318, 337, general assembly, 188; iey street, 199, 258; impressing horses, 138; improvements, 318; indebtedness of school corporation, 499; independent contractor, 118; injury on bighway, 318; injury on mill owner, 358; interest on bonds, 118; liability of city, 199, 448; license tax, 478; lighting, 258, 339; maintenance akee of sewers, 318; milk peddlers, 59; municipal improvement, 138; power to tax, 79; presenting account to city, 338; privileges in public park, 459; proving incorporation by parol, 478; public market, 138; power to tax, 79; presenting account to city, 338; privileges in public park, 459; proving incorporation by parol, 478; public market, 138; power to tax, 79; presenting account to city, 338; privileges in public park, 459; proving incorporation by parol, 478; public market,

water and light plant, 138; water works company, 318;

water and light plant, 188; water works company, 318; work and labor, 79.
Murder, Indian reservation, 499.
Nam'es, suffix Sr. and Jr. as part of name, 138.
Navigable Waters, authority of state, 199; evidence, 119; ice, 178; land below high-water mark, 178; obstructing, 499; right to erect private building, 459.
Ne exect, jurisdiction, 98.
Ne vertex of the property of the property

180; right to erect private building, 499.

Ne exeat, jurisdiction, 98.

Ne gigence, age and discretion of boy, 359; capacity of child under seven, 359; coal hole in sidewalk, 489; concurrence of third party, 389; construction of building, 418; contractors, 459; contributory negligence, 58, 439; damages, 239, 459; dangerous premises, 119, 319, 359; definition, 98; discharging hot water into gutter, 19; distilery slop vat, 318; evidence for jury, 318; failurelto prove gross negligence, 138; fires, 289,389; "gross, 359; implied invitation, 279, 389; imputable contributory negligence, 158, 459; injury to servant, 489; instructions, 79; leaving horse untied, 39; liability for falling walls, 279; personal injury, 98, 388; pleading, 79; presumption of contributory negligence, 359; proximate cause, 219, 258; 380; question for jury, 158; railroad torpedo, 318; reckless driving, 158; right of way, 358; sufficiency of guards, 39; turntables, 178; 289; want of ordinary care, 289; what constitutes, 459; New Spapers, affidavit of publication, 178.

New Trial, accident and surprise, 219; amendment, 39, 189; conduct of judge after verdict, 460; determination, 239; discretion of court, 19, 339; excessive damages, 58; expression of opinion by court, 199; failure to appear at trial, 39, 93; filing motion in clerk's office, 439; grounds, 478; inadequacy of damages, 338; incapacity of juror, 398; insufficient verdict, 389; jurors impeaching verdict, 138; jurors' method of arriving at verdict, 478; newly discovered widence, 158, 289; oral testimony of prejudice of juror, 158; pleadings, 388; sitpulation, 119; sufficiency of motion, 478; testimony of new witness, 138; time of filing motion, 58; trial of causes together, 380; verdict resing on inferences, 259; verdict secured by perjury, 258.

Notaries, notice of dishonor, 138.

lotaries, notice of dishonor, 138.

Notaries, notice of dishonor, 138.

Novation, action for purchase price, 19; consent of employee, 478; deed as mortgage, 219; new agreement, 499; settling without administration, 158.

Nuisance, coal depot, 418; powder magazine, 439; public and private, 178, 318; suit to abate, 159.

Ostructing Justice, indictment, 219.

Officers, action by individual, 58; appointees of one holding certificate of election, 158; appointment of election not entitled to office, 138; appointment of election commissioners, 299; anditing fraudulent claim, 479; bond, 138; constitutional law, 318; money received, 318; removal, 439; removal of sheriff, 258; resignation, 466; school treasurer's bond, 319; divorce proceed.

460; school treasurer's bond, 319.

Parties, amendment of complaint, 88; divorce proceedings, 219; infants, 359; intervention, 199; lien on realty of proceeds thereof, 360; nonloinder, 359; permitting improper parties to intervene, 79; representative action, 38; time for making objections, 339; waiver of defects, 219.

Party Walls, use of wall, 219.

Party Walls, use of wall, 219.

Partition, agreement, 39; burden of proof of title, 138; careat emptor, 158; cummunity property, 236; costs, 389; equitable title, 199; how sold, 39; insane co-tenant, 499; judgment, 398; limitations, 499; ownership of land, 279; presumption of regularity, 48; property in process of administration, 499; right of devisees, 388; rights of purchases, 338; settlement of estate, 119.

Partnership, accounting, 359; action against one part-

388; rights of purenases, 385; settlement or estate, 119.
Partnership, accounting, 339; action against one partner, 359; actions between partners, 460; admission of new member, 139; compresation, 19, 380; contract, 39; contribution to losses, 279; corporation, 319; death of partner, 389; evidence, 39, 119, 388; failure to file certificate, 289; firm assets, 88; firm note, 98; land held in common, 289; liability, 158, 439, 479; mortgage, 418; notice of dissolution, 179; order of distribution, 119; parol modification of contract, 259; proposed corporation, 19; effect partners rights, 119; subsequent acceptance. ration, 19; silent partner's rights, 119; subsequent ac-tion against other partner, 288; suit for accounting, 319; unauthorized mortgage, 499. Pasturage, liability of one who pastures cattle, 279.

Pasturage, liability of one who pastures cattle, 279.

Patents, adapting device to new use, 179; bill for review 259; combination of old elements, 460; device not claimed abandoned, 279; doctrine of equivalents, 279; effect of assignment by licensor, 259; effect of prior adjudication, 259; entropel, 259; evidence of invention, 259; infringement, 259, 369, 418; misconstruction of patent law, 269; process intervention, 359.

Paupers, confinement in asylum, 418; luability for support, 389; special legislation, 418; support, 19.

Payment, burden of proof, 359; fraud, 499; mistake, 19, 179, 319; pleading and practice, 95; presumption, 279, 460; receipts, 139, 359; vendor's lien, 319; voluntary payment of debt of another, 359.

Penal action, necessity of filing answer, 39.

Penal action, necessity of filing answer, 39. Pensions, issuance after death of pensioner, 439. Perjury, evidence, 259; false certificate, 350.

Perpetuities, equitable conversion, 418; validity of be.

quest, 590. ysicians and Surgeons, action for services, 359; board of medical examiners, 279; certificate to practice, 328; de-gree of skill, 19; injury to business, 139; liability of general practitioner, 158; malpractice, 219, 239; piead-

gree of skill, 19; injury to business, 107, hability general practitioner, 158; malpractice, 219, 239; pleadings, 99.

Pleadings, action for price, 159; admissions, 159, 319; 359; amendment, 279, 319; argumentativeness, 19; bill of particulars, 298; changing cause of action, 418; collateral issues, 279; counterclaim, 59; defective sewers, 398; defenses, 19, 159, 199; demurrer, 19, 40, 59, 119, 179, 479; election, 239; forcible entry and detainer, 39; formal defects, 119; grounds of recovery, insufficiently stated, 79; inconsistencies of reply and petition, 79; instructions, 59; laying time of injury, 388; motion to strike out, 99; personal injury, 59; petition, 79, 189, 279; reason for new trial, 179; reference to preceding counts, 398; replevin, 59; special plea, 19; substituted complaint, 359; smiciency, 19, 390; variance, 59, 499; verified account, 359; waiver of objection, 179, 289; waiver of right to appeal, 399; warranty, 338.

Pledges, accounting, 389; collateral security notes, 279; notes, 19; notice, 40; rights of parties, 499; stock, 59.

Postoffice, postmaster's salary, 179.

Powers, execution by will, 298.

Principal and Agent, accounting, 279; apparent authority, 338; authority of agent, 59, 79, 99, 179, 489; bills and notes, 99; collection by employee, 298; collection of money, 499; conspiracy, 499; deceit of agent, 389; estoppel, 99, 479; executing conveyance, 388; form of judgment against surety, 418; fraud, 460; joint tort feasors, 460; liability of agent to subagent, 389; new trial, 40; notice to agent, 59, 401, 466; oral modification, 59; ratification, 119, 418; recovery of funds from agent, 79; right to convey, 449; signature of securities, 319; subagent's authority, 479; unauthorized warranty, 139; violation of instructions, 338.

Principal and Surety, attachment bond, 298; bond to erect building, 419; building contract, 273, 439; collateral securities, 349; collection and surety, 4418; fraud, 460; oral modification, 59; ratification, 119, 418; recovery of funds from agent, 59; respective a

violation of instructions, 339.

Principal and Surety, attachment bond, 298; bond to erect building, 419; building contract, 279, 439; collateral security, 119; concealment from surety of principal's shortage, 19; consideration, 99; contractor's bond, 398; duty of payee, 449; duty to look and listen, 159; imported knowledge of default, 460; liability, 79, 298; limitations, 99; moneys deposited, 119; notice of default, 460; release, 59, 159, 199; termination of the relation, 360.

Prisons, commitment, 380.

Prisons, commitment, 380.

Private Roads, implied invitation, 219; necessity of passageway, 360; opinions of witnesses, 360.

Process, citation, 179; constructive service, 479; mistake in summons, 298; non-resident, 199; service, 59, 319, 389; termination of prosecution, 380

Prohibition, federal courts, 179; remedy at law, 279.

Property, fences, 279.

Public Land, bona fide purchaser, 239, 460; boundary cases, 339; collateral attack, 40, 279; collateral proceedings, 19; confirmation of title to overpine, 280.

Property, fences, 279.

Problec Land, bona fide purchaser, 239, 460; boundary cases, 339; collateral attack, 40, 279; collateral proceedings, 19; confirmation of title to overplus, 339; illegal contracts, 330; inclosure, 350; Indian cession, 339; issuance of patent, 239; mandamus, 19; power of state, 139; premature application to purchase, 339; private claims, 179; reclamation, 139; removal of timber, 259; swamp lands, 250, 319; sufficiency of notice, 319; tax sale, 59; title, 59, 139.

Quieting Title, amendment after submission, 319; bill in equity, 139; burden of proof, 339; color of title, 79; disclaimer of title, 19; forged deed, 319; limitations, 319; offer to reimburse, 330; preliminary injunction, 239; prescriptive rights, 199; public highway, 79; stale claim, 40.

Quo Warranto, title to offer, 319; trustees of vertex-

Quo Warranto, title to offer, 319; trustees of waterworks,

illroads, abandoned right of way, 319; abandonment of title, 79; accident at crossing, 220, 398; care required at crossing, 500; claim by receiver, 220; climbing between cars, 220; communicated fores, 319; construction partnership, 199; contracts or torts of predecessor, 398; contributory negligence, 99, 489, 460; crossings, 119, 329, 489, 479, 519; defective cattle guards, 500; deflection from right of way, 259; ejection of trespasser, 489; ejectment of trespasser, 339; escaping fires, 220; failure to give signal, 179, fear inducing act, 59; fences and fence laws, 40, 339; fires, 189, 449; frightening animals, 59; injury to employee, 338; injury to person on track, 339, 300; instructions, 360; killing stock, 139, 199; lessee's negligence, 398; liability for lost mail, 259; liabilities not affected by consolidation, 439; licensee, 280; limitation of liability, 390; mandamus, 59; negligence, 59, 99, 259; operation of coal bins, 339; parallel highway, 460; personal injury, 199; presumption of negligence, 298; Proximate cause, 19, 389; setting fires, 360; toll bridge, 339, trespasser, 80, 59, 339, 360; ultra circs, 259; unattended engine, 179. Railroads, abandoned right of way, 319; abandonment of

Rape, sufficiency of indictment, 380.
Real Actions, burden of proof, 189: petitory action, 389;
Real Property, conditions subsequent, 899.
Receivers, acts of agents, 19, agreement by water company, 419; authority to lease property, 830; authorizing

completion of road, 489; carrying on business, 259; collateral attack, 389; compensation, 360, 389, 500; costs and attorney's fees, 399; evidence, 59; mortgagee, 319; mutual claims, 259; negligence, 119; notice of application, 139; pleading, 259; power to bind estate, 439; private deed of trust, 280; sales, 298; sued in state court, 159.

court, 159.

Receiving Stolen Goods, burden of proof ,220; evidence, 238, 479; sufficiency of proof, 460.

Records, amending record, 59.

Recovery, bequest of debt, 319.

Reference, award of arbitrators, 220; benefit societies, 259; delivery of report, 59; discretion of court, 59; judgment on counterclaim, 350.

Reformation of Instruments, mistake, 59; mistake of law, 99; mutual mistake, 359.

99; mutual mistake, 399.

Reformatories, transfer to penitentiary, 339.

Release, avoidance of fraud, 260; conversion of money, 288; joint tort feasors, 390, 380.

Religious Societies, contest between factions, 40; contract,

Rengious Societies, contest between factions, 40; contract, 389; rights of minority members, 80; trustees, 489.

Remainders, adverse possession, 489; limitations, 339; sale for reinvestment, 339; suit by remaindermen, 479.

Removal of Causes, bond, 460; constitutional law, 239; dismissal of action, 220; federal courts, 139; foreign corporations, 199, 460; jurisdictional amount, 460; nature of controversy, 260; objections, 299; parties to action, 19; proceeding after removal, 419; time for filing petitions.

Replevin, attorney's fees, 360; damages, 319, 399; evidence of ownership, 179; judgment not in alternative, 339; liability on bond, 319; right of mortgagee, 59; scope of affidavit, 139.

Reversion, married women, 189. Review, remedy by appeal, 339; suspending attorney from practice, 500. Riot, judgment, 500.

Robbery, evidence, 339; information, 220.

Robbery, evidence, 339; information, 220.
Sale of Realty, validity of contract, 319; absolute or conditional, 359; acceptance, 380, 439; action for price, 40, 80, 199, 479; breach of contract, 239, 229; breach of warranty, 239; burden of proof, 339; carriers delivering to assignee, 239; change of design, 500; collateral agreement, 439; conclusiveness, 339; conditional sale, 119; contingent contract, 179; cutting trees, 340; damages, 19, 59, 119, 460; delay in delivering, 500; ex delicto action, 139; false representations made to mercantile agency, 479; fraud, 159, 390; opportunity to inspect 139; passage of title, 359, 419, 439; payment in installments, 119; pleading, 39; privilege of pool selling, 39; purchaser of execution sale, 460; recoupment in actions for price, 139; recovery, 360; repossession of seller, 139; stipulation qualifying guaranties, 260; time of payment, 199; verdict, 19; warranty, 439.
Salvage, costs of excessive bond, 59; value of salved property, 439.

erty, 439.

erry, 459.

School and School Districts, appropriation of school moneys for public library, 340; destruction of civil municipal corporation, 80; erection of school buildings, 40; expelling student, 399; free schools, 440; impired power of electrors, 460; interest on deposits, 340; paying out school funds, 19; premature applications to purchase, 179; sate of public lands, 179; social pleasure of teacher, 460; taxation, 159; taxes, 99; ultravires contract, 259.

pleasure of teacher, 460; taxation, 159; taxes, 99; ultra vives contract, 239.

Seamen, injury to service, 260; rght to wages, 59.

Searches and Seizures, larceny, 359.

Sequestration, action for damages, 440; failure to amend, 340; liability for rents received, 189.

Set-off and Counterclaim, several liability, 119.

Sheriffs and Constables, action on bond, 119; bond, 19; compensation, 199; excessive levy, 120; execution sale, 100; failure to levy execution, 59; fees, 199; knowledge of defective process, 460; liability for selling property under execution 340; liability for selling property under execution 340; liability for solding property contract in excess of tees, 30; forcible entry into dwelling, 59.

Sheriffs, contract in excess of tees, 30; forcible entry into dwelling, 59.

Shipping, contract of affreightment, 440; contract to employ master, 260; damage to cargo, 260; injury to stevedore, 460; privilege of designating deck, 440.

stevedore, 460; privilege of designating deck, 440. Specific Performance, consideration paid by another, 59; contract of sale, 318; equity, 259; fraud in procurement of contract, 259; homestead, 80; indefinite terms, 120; limitations, 319; option contracts, 359; parol contract for purchase of land, 359; proof of enactment, 440; refusal to convey, 319; release of dower, 859; right of way, 329; sale of land, 440; statute of frauds, 100, 179; tenants in common, 359.

Stare Decisis, erroneous construction, 120.
States, acts of governor, 260; contingent expenses of legislature, 479; costs against state, 120; erroneous

Statutes, clerical error, 479; consideration, 500; construction, 139, 179, 280, \$40, 500; copied from other state, 280; defective act, 120; enrollment, 100; intent, 80; legalizing acts, 899; life policy, 299; police commissioners, 220; pollution of stream, 280; prior constructions, 500; quieting title, 139; quo warranto pro-

ceedings, 380; rate of interest in sister state, 320; sale of infant's land, 440; title of an act, 249. Stipulation, action on contract, 189; repudiation for mis-take, 360.

Stipulation, action on contract, 189; repudiation for mistake, 860.

Street Railroads, car without light or gong, 280; collision with wagon, 280, 320; conditions, 479; contributory negligence, 40, 289, 389; crossing accident, 479; duty to pave right of way, 389; evidence of negligence, 560; failure to look and listen, 40, 189; grant of franchise, 199; negligence, 40, 120, 189, 320; personal mjury, 399, 500; piling snow on crossing, 59; powers of city council, 440; proximate cause, 389; reduction of fares by ordinance, 179; regulation of speed, 340; right to mortgage, 80; right to occupy public highway, 59; ultra vires ordinances, 280; use of streets, 199; violation of speed ordinance, 359. of speed ordinance, 899.

Subrogation, debt paid by stranger, 139; defective executor's sale, 200; lien for purchase money, 440; mistake of fact, 220; monument paid for by widow, 500; note made by executor, 850. Subscriptions, conditional subscription, 120; signature,

129.
Sunday, application to purchase, 479; contract of employment, 179; delivery, 289; illegal sale of meat, 479; invalidity of subscription, 120; playing baseball, 419; police power, 599; summons, 100.

invalidity of subscription, 120; playing baseball, 419; police power, 529; summons, 100.

Taxation, action to set aside tax deed, 359; application of new laws to deliquent taxes, 179; appraising for transfer tax, 350; assessment, 259, 360, 500; board of equalization, 139; choses on action, 139; city lighting, 200; classification, 239; clerk's record, 350; constitutionality, 240; construction, 250; delinquent taxes, 139; domestic corporation, 159; ejectment, 100; enjohing collection, 239; exposition property, 250; forfeiture, 50; foreclosure of tax certificate, 179; franchise tax, 479; growing trees, 250; inheritance tax, 120, 250; judgment lien, 100; life estate subject to inheritance tax, 260; logs and lumber, 220; money held for investions, 350; parsonage, 220; payment under protest, 250; proper exercise of the power, 250; property in indivision, 139; property lists, 140; publication of list, 359; railroads, 350; railroad franchises, 359; sale for taxes, 340; setting aside tax sale, 140; sheriff's final accounting, 350; standing timber, 140; statutory period of redemption, 80; suit by revenue agent, 20; tax deed, 179, 200, 340, 400; taxes paid in full, 140; tax lien, 239; tax sale, 100, 140, 250, 440; tax sale certificate, 140; transfer tax, 60, 320, 479; undetermined remainder as subject to inheritance, 250; validity of tax Sale, limitations, 60.

tax, 80; void tax sale, 100; voidable sale, 159.

Tax Deed, color of title, 240.

Tax Sale, limitations, 60.

Telegraphs and Telephones, damages, 80, 159; delay in delivery of message, 259, 360; delay in sending message, 479; delay in transmission, 159; delay in transmitting message to wife, 419; delivery at distance from town, 220; delivery of message to hotel clerk, 22; directed verdict, 259; eminent domain, 479; failure to deliver, 500; failure to take first train, 259; mental anguish, 140, 380, 479; reasonableness of license, 400; relation to public, 250; waiver of Sunday rules, 259.

Tenancy in Common, adverse possession, 60; missing claim, 159; tax title, 240.

Tender, failure to plead and keep good, 400; sufficiency, 560.

Territories, courts, 419; power to repeal act of congress,

Theaters and Shows, collection of license, 140; opera house tax, 419; sale of tickets on sidewalk, 299. Time, "thirty days" as a month, 80. Torts, breach of contractual duty, 40; laches, 220; ma-

Tortes, breach of contractual duty, 40; laches, 220; malicious prosecution, 340.

Towage, care required of tug, 280; contract for lien, 480; negligence of tug, 40; priority of liens, 419.

Towns, bonds to aid railroads, 180; jurisdiction to appoint trustees, 20; presenting claim, 40; res judicata, 80.

Town Site, deed of city authorities, 280.
Trade Marks and Trade Names, disassociation from article, 60; imitation, 299; milk cans, 280; property right in name, 419; protection, 200; requisites of indictment, 140; transfer of right to use, 440; unfair competition, 260.

petition, 250.
Treaties, quarantining foreign ship, 480.
Trespass, adjoining landowners, 240; admissibility of evidence, 440; bona fde purchaser, 40; damages, 140; exemplary damages, 40; license, 320; patent to land, 180; payment of taxes, 140; pleading, 440, 480; right to enter premises, 60; school lands, 180; title acquired after action, 80; venue, 260.
Trespass to Try Title, burden of proof, 20; evidence, 100; expense of defending title, 419; lost deed, 299; measure of damages, 299; notice to landlord, 480.
Turnpikes and Toll Roads, 180; change of grade, 60; negligence, 140.

Trial, absolute deed as a mortgage, 180; acceptance of verdict, 419; action for injuries, 200; admission of evidence, 419; argument by counsel, 220, 480; burden of proof, 80; by jury, 159; complex pleadings, 159; conclusion filled by court, 100; confused though uncontroverted evidence, 159; conjunctive submission of defenses, 480; contest of will, 490; credibility of witness, 200; cross petition, 20; damages, 60; direction of verdict, 20, 159; disregarding testimony, 230; erroneous instructions, 240; error cured, 40; evidence, 240, 400, 419; examination of witness, 180; extra work, 159; failure to ask for certain instruction, 140; failure to object to evidence, 140; failure to request special findings, 419; form of verdict, 240; general verdict, 400; grounds for relief, 200; grounds of objection, 89; improper remarks, 80, 100; instructions, 60, 100, 240, 299, 340, 419, 480, 500; issue of fraud, 299; judgment, 280, 500; jury's sympathy, 20; limiting time for argument, 120; malicious prosecution, 240; market value, 180; measure of damages, 120; motion, 299; motion to strike out, 419; objection of testimony, 299; objection to evidence, 200, 280; opening and closing, 80; parol testimony of contents of written instruments, 180; partnership, 60; peremptory instructions, 20; personal injuries, 240; preponderance of evidence, 419; production of books, 500; questions of fact, 240, 320; question of signature, 40; reading law to enter jury room, 140; right to open and close, 340, 400; rules of court, 80; separating witnesses, 159; slander 159; special findings, 500; special questions to jury, 280; statement of issues, 140, 159; street railway, 320; submitting issue to jury, 240; testimony, 100, 140, 160, 180; transfer of cause, 20; waiver of objections to juror, 480; weight of evidence, 60; without jury, 820; witnesses under rule, 480.

489; weight of evidence, 60; without jury, 320; witnesses under rule, 480.

Trover and Conversion, agent's apparent authority, 419; amount of recovery, 220; evidence, 500; excessive damages, 220; exemplary damages, 320; innocent purchaser, 400; instruction defining conversion, 240; interest allowable, 500; reorganization of railroad, 160; tender by defendant, 400.

tender by defendant, 400.

Trusts, absolute conveyance, 400; acceptance, 400; deficiency judgments, 180; destruction of identity of funds, 400; discretion of trustee, 200; domestic judgment, 240; equitable, trust, 400; falling market, 160; following trust fund, 160; "heirs," 20; increase of funds, 200; intermingling of funds, 400; liability for loss, 120; neglect of duty, 830; parol evidence, 60; partnership, 290; profits from sale of land, 290; purchasers for trust estate, 340; refusal of trustee to accept, 20; removal of trustee, 419; resting in parol, 240; resulting trusts, 200; revocation, 60; sale of stock, 240; secret profits, 180; substitution of trustees, 1(0; testamentary trustee, 419; trustee's commission, 420; trustee's liability for torts, 440.

United States, contract for public work, 480; public works, 180.

tamentary trustee, 419; trustee's commission, savetrustee's liability for torts, 440.

United States, contract for public work, 480; public works, 180.

Use and Occupation, conveyance by owner, 240; value of the use, 800.

Usury, assignee of contract, 380; burden of proof, 280; condition precedent, 200; extraterritorial effect, 480; intervention of mortgagor, 400; limitations, 49; payment of usurious debt by surety, 420; rate of interest, 500; share of profits, 280; sufficiency of evidence to's sustain defense, 20; voluntary payment, 220.

Vendor and Purchaser, acceptance of deed, 480; action on note, 380; action to rescind, 160; after acquired title, 180; assignee of executor's contract, 480; assignment, 480; bond for deed, 240; burden of showing notice, 480; caecat emptor, 420; date of sale, 280; default in payment, 240; equity of first purchaser, 100; executory contract, 100; fixture, 60; foreclosure by vendor, 420; fraud and misrepresentations, 240; insurance money, 180; lien for purchase, 180; measure of damages, 380; notice of conditions of conveyance, 390; opinion of attorney, 420; purchase by attorney, 280; purchaser assuming vendor's debt, 180; purchaser with notice, 420; quitolating deed, 240; ratification, 340; erronveyance, 29; rescission of contract, 60; right to reconvey, 420; sale of land, 40; statute of frauds, 300; inconvenience, 20; motion to remand, 240; officer's official bond, 200; prejudice of judge, 500; specific performance, 140; transmitting papers, 240.

Vender, impeachment by affidavit of jurors, 80.

War, naval prize and bounty, 440.

Warehousemen, cold storage, 140; delivery, 140; snit by depositers, 300.

contract to furnish water, 120; contract with water company, 340; conveyance of water right, 480; damages, 120, 300; damnum absque injurt, 500; drains, 180; drawing water from another state, 400; evidence, 100; evidence of effect of pollution, 80; fire protection, 20; injunction, 89; injunction against appropriation of water, 220; "irrigation districts, 280; land adjoining highway, 220; obstruction, 500; overflowing land, 20; power of village, 220; protection of police power, 420; right to maintain a ferry, 20; riparian owners, 160, 280, 400; riparian rights, 320; submergence, 340; temporary injunction, 420; underground channels, 300; water uses by city, 400.

Waterworks, contract of "village to purchase, 180.

Weapons, intention, 60; materiality of evidence, 20.

harves, injury to vessel, 480; liability for injury, 340; oysterfloat subject to wharfage, 440.

Wharves, injury to vessel, 489; liability for injury, 340; oysterfloat subject to wharfage, 440.

Wills, absolute estate, 329; absolute estate in widow, 340; after-born children, 200; alteration, 340; annuity, 220; attesting in testator's presence, 420; charge on real estate, 300; charitable uses. 200; codicile, 189; compensation of attorney, 40; competency of attesting witness, 400; condition against alienation, 420; condition precedent, 420; construction, 120, 160, 320, 400, 480; couttest, 140, 440; conversion, 120; defeasible fee, 180; designation of beneficiaries, 340; devise by implication, 400; devise of land, 20; devisee, 220; devisee's liability for debt of testator, 180; devisee's right as against heir's mortgagee, 100; effect of election, 40; election by devisee, 80; election of widow after sixteen years, 120; deviseed, 80; election, 180; expenses of careat, 200; fee of lands ordered sold, 40; fraud preventing revocation, 180; expenses of careat, 200; fee of lands ordered sold, 40; fraud preventing revocation, 160; legacies to slaves, 60; liability of legatee for debt of testator, 420; lien of legacies, 80; life estator, 420; lien of legacies, 80; life estator, 40; lien of legacies, 80; life estator excludes relatives, 200; misdescription of devise, 40; monument, 160; partition, 60; power of deposition, 300; probate, 100; probate of former will, 160; purchaser deriving title through a will, 80; release of

legacy, 200; rent of devised land, 220; renunciation of provisions, 320; revocation, 420; rights of husband, 180; rights of remainderman, 480; sale of an undivided merest, 100; sale of legacy, 420; sunt by heir, 100; testamentary tryst, 200; testator's name signed by another party, 120; time of appeal, 140; torts, 160; transfer tax, 340; undue influence, 140, 150, 300, 480; vesting estate, 500; witnesses, 20; witnesses, 20; colic), 200; witnesses signing in each other's presence, 400. [itnesses, action by nurse against decedent's estate, 161; action on note, 300; admissibility of evidence, 60; against deceased persons, 20; alteration of mortgage note, 420; bankruptcy, 300; competency, 300, 340 competency of wife, 161; confidential communications, 400, 420; contest by probate, 120; contradiction by one's own witness, 300; contradiction of one's own witness, 480; credibility, 40; cross-examination, 20, 161, 200, 420, 460; evidence, 100, 260; examination, 20, 161, 200, 420, 460; evidence, 100, 260; examination, 30; execution of will, 16; explanation, 440; failure to claim privilege, 16; failure to produce material witness, 320; fees, 240; hea say 16; immunity, 440; impeachment, 300, 320; inproper question, 80; incriminating evidence, 180; indictment shown for prior thefts, 140; interested party, 440; lease, 300; lost deed, 16; memorands for refreshing memory, 40; on trial for insanity, 161; opportunity to explain, 340; order to secure, 300; previous corroborating stutements, 161; opportunity to explain, 340; order to secure, 300; previous corroborating stutements, 16; previous statements, 220; privilege from arrest, 20; privileged communication, 40; proof of general good reputation, 40; supporting credibility, 340; surprise and accident, 200; surviving partner, 40; estationory of trustee, 420; transaction with person since deceased, 420; trespass to try title, 161; usury, 50r

Work and Labor, 20; implied contract, 180; partial per-formance, 440; quantum meruit, 383; real estate broker, 440; reasonable value, 500; services by sister, 420; services by adult son, 240.

